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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly, pursuant to Assembly resolution 50/111 of 20 December 1995, the report of the second meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Jakarta from 6 to 17 November 1995 (see annex).

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ANNEX*

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Report of the second meeting of the Conference of the Parties to the Convention on Biological Diversity, held at Jakarta from 6 to 17 November 1995

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II. DECISIONS ADOPTED BY THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES

AGENDA ITEM 1: OPENING OF THE MEETING

1. In accordance with rules 3 and 4 of the rules of procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity and the decision taken at the first meeting of the Conference of the Parties, the second meeting of the Conference of the Parties to the Convention on Biological Diversity, hosted by the Government of the Republic of Indonesia, was held at the Jakarta Convention Center, Jakarta, Indonesia, from 6-17 November 1995.

2. The meeting was opened at 10.45 a.m. on 6 November 1995 by Dr. Ivy Dumont, Minister of Education and Training of the Bahamas and President of the first meeting of the Conference of the Parties, hosted by the Government of the Bahamas in Nassau, from 28 November to 9 December 1994.

3. In her opening address, she said that the first meeting of the Conference of the Parties had succeeded, through the adoption of its decisions, in setting in motion the process geared towards the implementation of the Convention and of its threefold objectives related to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of its benefits.

4. The Nassau meeting, she said, had been the most important intergovernmental meeting on biological diversity since the United Nations Conference on Environment and Development, held in Rio de Janeiro in June 1992. The fact that the number of Parties that had ratified the Convention had increased from 106 at Nassau to 134 at present showed a truly worldwide commitment to safeguarding nature's diversity, a commitment also reflected by the high-level representation at the Ministerial Segment of the Nassau meeting, which had adopted the Bahamas Declaration.

5. Pointing to the situation of the small island developing States, she said that they attached high priority to the conservation and sustainable use of biological diversity in light of their unique species diversity, their small size, isolation and the fragility of their ecosystems and their limited economic base. In that context, they also attached importance to the implementation of the relevant provisions on biological diversity of the Programme of Action of Small Island Developing States, adopted in Barbados in May 1994.

6. In the light of its results, she concluded, the first meeting of the Conference of the Parties could be considered as the beginning of a phase of concrete implementation at the international level of the commitment towards fulfilling the objectives of the Convention. She was fully convinced that, through the consideration of the different items on its agenda, the second meeting of the Conference of the Parties would succeed in furthering that successful outcome.

7. The representative of the Philippines, on behalf of the Group of 77 and China, nominated Mr. Sarwono Kusumaatmadja, Minister of Environment of Indonesia, to be President of the second meeting of the Conference of the Parties. Mr. S. Kusumaatmadja was elected by acclamation.

8. In his opening address the President of the Conference welcomed the participants to Indonesia, which he said was celebrating the 50th year of its independence. His country, which numbered some 17,000 islands, was rich in its range of biodiversity habitats which ranged from snow-capped mountain peaks through grassland savannas to the mangrove coasts and coral reefs. This biological diversity represented the country's greatest resources. The work which was before the Conference was of great importance in addressing the main issues of conservation in order to redress biodiversity loss.

9. In this context, his country welcomed the International Coral Reef Initiative and would be taking steps to ensure the sustainability of its marine resources. Genetic resources, biotechnology and the traditional knowledge of the people were also high on his country's agenda, as well as the question of intellectual property rights stemming from such knowledge. He emphasized the need for the safe transfer, handling and use of modified organisms and hoped that the Conference would formulate proposals which would provide the basis for a future biosafety protocol and a code of bio-ethics.

10. The challenge for the future was the integration of biodiversity objectives in sectoral programmes and the education of the masses in order to bring awareness to the grassroots of their respective societies. He pointed to the efforts of his country in this direction by its celebrating a National Flora and Fauna Day, the choice at village level of the plant or animal which best symbolized biodiversity and the use of postage stamps. In order to tackle all the issues involved, financing was of major importance if the theme of the Conference "Biodiversity and the Equitable Welfare of All People" was to have any meaning. The significance of equity could not be side-stepped in issues which involved the food and livelihood of the people of the countries present. He drew attention to the fact that Global Environment Facility (GEF) finance would not meet all the needs of the countries. Additional resources would be needed as well as expertise and entrepreneurial skills. The private sector should be involved in order to make profitable activities achieve biodiversity goals. In order to optimize the use of resources, countries should all build on their experiences in related fields under existing conventions. He said that he counted on the goodwill and collaboration of all present to make the Conference a success and he urged those countries that had not yet done so to ratify the Convention on Biological Diversity.

11. The Executive Secretary of the Secretariat of the Convention on Biological Diversity, Dr. Calestous Juma, in his opening statement said that the present meeting of the Conference of the Parties was of great importance in light of the very complex issues that needed to be addressed and the crucial timing of the meeting. The expected decisions of the present meeting would put into operation the provisions of the Convention, thereby giving new impetus to its implementation. He drew particular attention to issues related to the implementation of Articles 6 and 8 of the Convention; the preliminary consideration of components of biological diversity, particularly those under threat; the form and intervals of national reports; *ex-situ* conservation; technology transfer; financial resources and mechanisms; and the operation of the clearing-house mechanism for technical and scientific cooperation. There had been an unexpectedly rapid transition from the phase of seeking ratification of the Convention to the phase of implementation.

12. He pointed to the number of activities and developments that had taken place since the first meeting. Implementation activities had been launched by those countries that had ratified the Convention, and a number of those that had not ratified the Convention had started to implement sustainable development activities. Pursuant to the medium-term programme of work adopted at the first meeting of the Conference of the Parties, the Open-ended Ad-hoc Group of Experts on Biosafety had met in Madrid from 24-28 July 1995. In addition, the Subsidiary Body on Scientific, Technical and Technological Advice had held it first meeting in Paris from 4-8 September 1995. Pursuant to decision 1/11, the African, Latin American and Caribbean, and Asian regional meetings had been held, respectively, in Pretoria, Buenos Aires and Jakarta, in order to prepare for the second meeting of the Conference of the Parties.

13. The fiftieth session of the United Nations General Assembly, he said, was examining for the first time, through the Second Committee, a report submitted by the Executive Secretary on progress achieved so far in the implementation of the Convention. The Commission on Sustainable Development at its third session had reviewed the implementation of chapter 15 and of other biodiversity-related chapters of Agenda 21. In addition, it was expected that the Convention would

contribute to the realization of the mandate of the newly established Intergovernmental Panel on Forests of the Commission on Sustainable Development.

14. The Executive Secretary expressed his gratitude to the Government of Indonesia for hosting the present second meeting of the Conference of the Parties. He also thanked Dr. Ivy Dumont, President of the first meeting, the other members of the Bureau of the first meeting and, in particular, the Chairman of the Committee of the Whole, Mr. V. Koester, for the guidance they had provided to the Secretariat. He thanked those countries that had hosted meetings organized in 1995, as well as the United Nations Educational, Scientific and Cultural Organization (UNESCO). In conclusion, he wished to thank those countries that had made financial contributions to enable the Secretariat to finance the participation of 365 representatives of developing countries and countries with economies in transition in the meetings convened under the Convention for 1995.

15. Dr. Colin Cameron (South Africa), Chairman of the African Regional Meeting on Biological Diversity Preparatory to the Second Meeting of the Conference of the Parties, hosted by the Government of South Africa in Pretoria on 9-10 October 1995, presented the Pretoria Declaration (contained in document UNEP/CBD/COP/2/Inf.3), which set out the position of the African countries. At the preparatory meeting, he said, countries had reported on progress made in the implementation of the Convention and on a wide range of activities. They had reported on organizational and administrative provisions made to implement various requirements of the Convention and on *in-situ* and *ex-situ* conservation efforts. Many of the African countries, he stressed, had reported that they lacked the capacities to fulfil adequately the provisions of the Convention. In conclusion, he pointed to the importance of such a preparatory meeting and to the request contained in the Declaration to convene a second African Preparatory Meeting before the third meeting of the Conference of the Parties, to be held in 1996, which the Government of the Seychelles had generously offered to host.

16. Ms. Victoria Lichtstein (Argentina), chairperson of the Latin America and Caribbean Meeting, hosted by the Government of Argentina in Buenos Aires on 18-19 October 1995, presented the Buenos Aires Declaration (contained in document UNEP/CBD/COP/2/Inf.11), which set out the position of the Latin American and Caribbean countries. At that meeting, she said, countries had each reported on activities to implement the Convention, and discussion had focused on the individual items on the agenda of the second meeting of the Conference of the Parties. She highlighted the offer made by the Government of Argentina to host the third meeting of the Conference of the Parties and the request made by the Latin American and Caribbean meeting that the host of that meeting be made an *ex-officio* member of the Bureau of the second meeting of the Conference of the Parties. She concluded by stressing the importance the countries attached to the holding of a preparatory meeting prior to the Conference of the Parties.

17. Mr. Aca Sugandhy (Indonesia), Chairman of the Asian Regional Meeting on Biological Diversity Preparatory to the Second Meeting of the Conference of the Parties, hosted by the Government of Indonesia in Jakarta on 4-5 November 1995, presented the report of the meeting (contained in document UNEP/CBD/COP/2/Inf.12). The meeting, he said, had been considered a very useful mechanism for the elaboration of a common position prior to the Conference of the Parties.

18. In his capacity as Chief Executive Officer and Chairman of the Global Environment Facility, Mr. Mohamed T. El-Ashry addressed the Conference and reported on the progress of the GEF since the first meeting of the Conference of the Parties. The GEF's financing of biodiversity projects during 1995 had amounted to 35 per cent of the total financing of the Facility, the highest percentage in any one focal area, and, in project preparatory funds, 55 per cent of all funding under the Project Preparation and Development Facility. He added that a two-year extension for the Small Grants Programme had

been approved, which would facilitate the grassroots approach to improve awareness of environmental concerns.

19. He said that the GEF now had an approved operational strategy which fully incorporated the guidance approved at the first meeting of the Conference of the Parties. The operational strategy had been prepared taking into account the comments of Governments, the GEF implementing agencies, the secretariats of the two conventions for which the GEF served as the financial mechanism and NGOs. He added that decision I/2 of the first meeting of the Conference of the Parties had guided the Council of the GEF and that the evolving guidance of the Conference would continue to be fully respected in the future. The GEF and the Secretariat of the Convention had set up a task force to ensure a coordinated and programmatic system of country assistance for enabling activities. The task force would meet again after the second meeting of the Conference of the Parties to continue its work. He also drew the attention of the Conference to the draft memorandum of understanding contained in the annex to document UNEP/CBD/COP/2/11, which had been prepared by the secretariats of the Convention and the GEF as requested by the first meeting of the Conference of the Parties. The Facility, he said, was ready and able to serve as the financial mechanism of the Convention.

AGENDA ITEM 2: ORGANIZATIONAL MATTERS

20. All States were invited to participate in the meeting. The following Parties attended:

Algeria
Antigua and Barbuda
Argentina
Australia
Austria
Bahamas
Bangladesh
Barbados
Belarus
Belize
Benin
Bhutan
Bolivia
Botswana
Brazil
Burkina Faso
Cambodia
Cameroon
Canada
Central African Republic
Chad
Chile
China
Colombia
Cook Islands
Costa Rica
Côte d'Ivoire
Cuba
Czech Republic
Democratic People's Republic of Korea
Denmark
Djibouti
Dominica
Ecuador
Egypt
El Salvador
Equatorial Guinea
Estonia
Ethiopia
Fiji
Finland
France
Gambia
Germany
Ghana
Greece
Guinea
Guinea-Bissau
Guyana
Hungary
Iceland
India
Indonesia
Israel
Italy
Jamaica
Japan
Jordan
Kazakhstan
Kenya
Lebanon
Lesotho
Luxembourg
Malawi
Malaysia
Maldives
Mali
Mauritius
Mexico
Micronesia (Federated States of)
Monaco
Mongolia
Morocco
Mozambique
Myanmar
Nepal
Netherlands
New Zealand
Nigeria
Norway
Oman
Pakistan
Panama
Papua New Guinea
Paraguay
Peru
Philippines
Republic of Korea
Romania
Russian Federation
Saint Lucia
Samoa
Senegal
Seychelles
Slovakia
Solomon Islands
South Africa
Spain
Sri Lanka
Sudan
Swaziland
Sweden
Switzerland
Togo
Tunisia
Uganda
Ukraine
United Kingdom of Great Britain and Northern Ireland
Uruguay
Uzbekistan
Vanuatu
Venezuela
Viet Nam
Zaire
Zambia
Zimbabwe

The European Community was also represented.

21. The following States were represented by observers:

Afghanistan
Azerbaijan
Belgium
Bulgaria
Burundi
Dominican Republic
Eritrea
Holy See
Iran (Islamic Republic of)
Iraq
Ireland
Kuwait
Kyrgyzstan
Lao People's Democratic Republic
Madagascar
Mauritania
Nicaragua
Poland
Rwanda
Saint Vincent and the Grenadines
Saudi Arabia
Singapore
Syrian Arab Republic
Thailand
Trinidad and Tobago
Turkey
Turkmenistan
United Republic of Tanzania
United States of America

An observer from Palestine also attended.

22. Observers from the following United Nations bodies and specialized agencies also attended:

- United Nations Commission on Sustainable Development (UNCSD)
- United Nations Conference on Trade and Development (UNCTAD)
- United Nations Development Programme (UNDP)
- United Nations Environment Programme (UNEP)
- United Nations Environment Programme (UNEP)/Global Biodiversity Assessment (GBA)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)/UNEP
- Convention on the Conservation of Migratory Species of Wild Animals (CMS)/UNEP
- Food and Agriculture Organization of the United Nations (FAO)
- United Nations Educational, Scientific and Cultural Organization (UNESCO)
- Intergovernmental Oceanographic Commission of UNESCO (IOC/UNESCO)
- United Nations Industrial Development Organization (UNIDO)
- World Bank
- World Health Organization (WHO)

23. The following other organizations were represented:

(a) Intergovernmental organizations:

- Agence de Coopération Culturelle et Technique (ACCT)
- Association of South East Asian Nations (ASEAN)
- CAB International
- Consultative Group on International Agricultural Research (CGIAR)
- Convention on Wetlands of International Importance Especially as Waterfowl Habitat (RAMSAR)
- Global Environment Facility (GEF)
- International Technology Transfer Consultants (ITTC)
- South Pacific Regional Environment Programme (SPREP)

(b) Non-governmental organizations:

Africa Resources Trust (ART)
African Centre for Technology Studies (ACTS)
American Association for the Advancement of Science (AAAS)
Apu Agbibilin Community Inc. (AACI)
Asian Wetland Bureau (AWB)
Asosiasi Pengusaha Damar, Gubal Gaharu, Kemedangan Indonesia (APDGKI)
Assembly of First Nations of Canada
Association of Fishermen's Organizations
Association pour l'Amazonie et la Défense de la Nature (AADN)
Australian Gen-Ethics Network (AGE NET)
Baram Self-Development Association (BASDA)
Binika
Biodiversity Action Network (BIONET)
Biodiversity Support Program
Bioforum '95
Biological Science Club
Biotechnology Industry Organization
Biotechnology Working Group
Birdlife International
Bogor Agriculture University
Campfire Association
Canada Centre for Remote Sensing (CCRS)
Canadian Biodiversity Informatics Consortium (CBIC)
Canadian Environment Industry Association
Canadian Museum of Nature
Center for Alternative Development Initiatives
Center for International Environmental Law (CIEL)
Center for Marine Conservation
Center for Research Development for Traditional Medicine
Christian Council of Sweden
Cobase - Cooperativa Tecnico Scientifica di Base A. R.L.
Comite Nacional Pro Defensa de la Fauna y Flora (CODEFF)
Community Nutrition Institute (CNI)
Conservation International (CI)
Cultural Survival (Canada)
CUSO
Dana Mitra Lingkungan
Daphne Foundation
Defenders of Wildlife
ECOROPA-France
Ecospherics International Inc.
Environment Liaison Centre International (ELCI)
Environmental Defense Fund (EDF)
Fondo Integrado Pronaturaleza (PRONATURA)
Foundation for International Environmental Law and Development (FIELD)
Friends of the Earth International
Fundacion Pro-Sierra Nevada de Santa Marta
Genetic Resources Action International (GRAIN)
German Advisory Council on Global Change (WBGU)
German NGO Working Group on Biodiversity
Global Guardian Trust (GGT)
Green Industry Biotechnology Platform (GIBiP)
Greenpeace International
Griffith University
Humane Society International (HSI)
Humane Society of the United States (HSUS)
Indian Institute of Public Administration (IIPA)
Indigenous Peoples' Biodiversity Network (IPBN)
Indonesian Center for Environmental Law (ICEL)
Indonesian Federation of Flora Fauna Associations (IFFFA)
Indonesian Ornithological Society
Industrial Technology Research Institute (ITRI)
Institute of Dayakology Research and Development (IDRD)
Instituto de Derecho Ambiental y Desarrollo Sustentable (IDEADS)
Interlink Information Rural Service (IRIS)
International Alliance of the Indigenous Tribal People of the Tropical Forest
International Council of Scientific Unions (ICSU)
International Development Research Centre (IDRC)
International Indian Treaty Council
International Marine Life Alliance
International Petroleum Environmental Conservation Association (IPIECA)
International Wildlife Management Consortium (IWMC)
IUCN - The World Conservation Union
Japan Biodiversity Network
Japan Center for Sustainable Environment and Society (JACSES)
Japan Fisheries Association
Japanese NGO Network on Biodiversity

Kenya Energy and Environmental Organization (KENGO)
Klub Indonesia Hijau (KIH) - Green Indonesia Club
Konphalindo
Legal Rights and Natural Resources Center-Kasama Sa Kalikasan (LRC-KSK/Friends of the Earth-Philippines)
Lembaga Bela Tanua Talino (LBBT) - (Institute for Indigenous Communities and Territories Advocacy)
Lembaga Pengkajian Pedesaan Pantat Dan Masyarakat (LPPPM)
Life Conservationist Association
Monitor International
National Trust of Fiji
Natural Resources Management Project
Neo Synthesis Research Centre
Nepal Federation of Nationalities (NFN)
Netherlands Comittee for IUCN
Norwegian Forum for Environment and Development
Oregon State University
Ornamental Fish Industry (OFI)
Pacific Science Association (PSA)
Palau Conservation Society
Partners of Community Organisations in Sabah (PACOS)
Pesticide Action Network (PAN) Indonesia
Rinjani Marine Foundation (RMF)
Royal Botanic Gardens, Kew
Rural Advancement Foundation International (RAFI)
Safari Club International (SCI)
Senior Advisory Group on Biotechnology (SAGB)
Sierra Club
Sociedad Peruana de Derecho Ambiental (SPDA)
Society for Research Initiatives for Technology and Institutions (SRISTI)
South East Asia Regional Institute for Community Education (SEARICE)
Species 2000
Sulawesi Natural Resources Conservation Information Center
Sustainable Research Development Inc. (SRD)
Swan International (Society for Wildlife and Nature)
Swiss Priority Program
Tambuyog Development Center
Tasman Asia Pacific
Technology for Rural and Ecological Enrichment (TREE)
Thailand Environment Institute (TEI)
The Biodiversity Forum
The Edmonds Institute
The Indonesian Institute for Forest and Environment (RMI)
The Indonesian Tropical Institute (LATIN)
The Natural History Museum
The Nature Conservancy
The Tinker Institute on International Law and Organizations
Third World Network (TWN)
Traffic Southeast Asia
University of Cambridge
University of Edinburgh
Vancouver Aquarium
Verification Technology Information Centre (VERTIC)
Voluntary Service Overseas
Wahana Lingkungan Hidup Indonesia (WALHI) - Indonesian Forum for Environment
Woodbridge and Associates
World Conservation Monitoring Centre (WCMC)
World Endangered Species Protection Association (WESPA)
World Resources Institute (WRI)
World Wide Fund for Nature (WWF)
Yabshi (Yayasan Bina Sains Hayati Indonesia) - Indonesian Foundation for the Advancement of Biological Sciences
Yayasan Gugus Analisis
Yayasan Kalpa Wilis
Yayasan Kehati (Biodiversity Foundation)
Yayasan Kupula Persada Indonesia
Yayasan Laut Lestari Indonesia
Yayasan Leuser International
Yayasan Samudra Indonesia
Yayasan Swakarsa Bentiritig Bengkulu
Zimbabwe Trust

2.1 *Election of officers*

24. In accordance with rule 21 (Officers) of the rules of procedure for meetings of the Conference adopted by the first meeting of the Conference of the Parties, the Conference at its 1st and 3rd plenary sessions elected the following officers:

President:	Mr. Sarwono Kusumaatmadja (Indonesia)
Vice-Presidents:	Mr. John Ashe (Antigua and Barbuda) Mr. Igar Mishkarudny (Belarus) Mr. Augustine Bokwe (Cameroon) Mr. Avrim Lazar (Canada) Mr. Fernando Casas (Colombia) Ms. A.K. Ahuja (India) Mr. Peter Unwin (United Kingdom) Mr. Cecil Machena (Zimbabwe)
Rapporteur:	Ms. Zuzana Guziova (Slovakia)

2.2 *Adoption of the agenda*

25. At the 1st session of the plenary, on 6 November 1995, the provisional agenda as contained in document UNEP/CBD/COP/2/1 was adopted. The agenda adopted is as follows:

1. Opening of the meeting.

2. Organizational matters:

   2.1 Election of officers;

   2.2 Adoption of the agenda;

   2.3 Organization of work.

3. Pending issues from the work of the first meeting of the Conference of the Parties:

   3.1 Paragraph 1 of rule 40 of the Rules of Procedure for meetings of the Conference of the Parties to the Convention on Biological Diversity;

   3.2 Paragraphs 4 and 16 of the Financial Rules for the Administration of the Trust Fund for the Convention on Biological Diversity.

4. Scientific, technical and technological matters:

   4.1 Report of the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice;

   4.2 Clearing-house mechanism for technical and scientific cooperation;

   4.3 Ways to promote and facilitate access to, and transfer and development of technology;

4.4 Consideration of the need for and modalities of a protocol for safe handling and transfer of living modified organisms.

5. Matters related to financial resources and mechanism:

5.1 Report on the activities of the Global Environment Facility as the interim institutional structure;

5.2 Report of the Secretariat on the financial mechanism under the Convention;

5.3 Study on the availability of additional financial resources;

5.4 List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties;

5.5 Designation in accordance with Article 21 of the Convention of the institutional structure to operate the financial mechanism;

5.6 Draft memorandum of understanding between the Convention on Biological Diversity and the Global Environment Facility.

6. Conservation and sustainable use:

6.1 Consideration of Articles 6 and 8 of the Convention;

6.2 Preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention;

6.3 Coastal and marine biological diversity.

7. Access to genetic resources:

7.1 Existing legislation, administrative and policy information on access to genetic resources and the equitable sharing of benefits derived from their use;

7.2 Policy, legislative, or administrative measures related to intellectual property rights as provided in Article 16 of the Convention and to access to and transfer of technology that makes use of genetic resources.

8. Relationship with other bodies:

8.1 Outcome of the third session of the Commission on Sustainable Development;

8.2 Cooperation with other biodiversity-related conventions;

8.3 FAO Global System for Conservation and Utilization of Plant Genetic Resources for Food and Agriculture;

8.3.1 International Undertaking on Plant Genetic Resources for Food and Agriculture;

8.3.2 International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture;

8.3.3 *Ex-situ* collections of plant genetic resources.

9. Form and intervals of national reports by Parties.

10. Medium-term programme of work of the Conference of the Parties 1995-1997.

11. Administrative matters.

11.1 Location of the Secretariat;

11.2 Report on the administration of the Convention;

11.3 Budget of the Trust Fund for the Convention on Biological Diversity.

12. Report on the credentials of representatives to the second meeting of the Conference of the Parties.

13. Venue and date of the third meeting of the Conference of the Parties.

14. Other matters.

15. Adoption of the report.

16. Closure of the meeting.

2.3 *Organization of Work*

26. At the 1st session of the plenary, on 6 November 1995, the Conference approved the organization of work for the meeting contained in document UNEP/CBD/COP/2/1/Add.2.

27. At its 3rd session, on 7 November 1995, the plenary established a Committee of the Whole, chaired by Vice-President Avrim Lazar (Canada).

28. In accordance with the adopted timetable for the organization of work of the meeting, contained in document UNEP/CBD/COP/2/1/Add.2, the Committee of the Whole considered the following agenda items:

4.1 Report of the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice.

4.2 Clearing-house mechanism for technical and scientific cooperation.

4.3 Ways to promote and facilitate access to, and transfer and development of technology.

4.4 Consideration of the need for and modalities of a protocol for safe handling and transfer of living modified organisms.

5.1 Report on the activities of the Global Environment Facility as the interim institutional structure.

5.2 Report of the Secretariat on the financial mechanism under the Convention.

5.3 Study on the availability of additional financial resources

5.4 List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties.

5.5 Designation in accordance with Article 21 of the Convention of the institutional structure to operate the financial mechanism.

5.6 Draft memorandum of understanding between the Convention on Biological Diversity and the Global Environment Facility.

6.1 Consideration of Articles 6 and 8 of the Convention.

6.2 Preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention.

6.3 Coastal and marine biological diversity.

7.1 Existing legislation, administrative and policy information on access to genetic resources and equitable sharing of benefits derived from their use.

7.2 Policy, legislative, or administrative measures related to intellectual property rights as provided in Article 16 of the Convention and to access to and transfer of technology that makes use of genetic resources.

8.2 Cooperation with other biodiversity related conventions.

8.3.1 International Undertaking on Plant Genetic Resources for Food and Agriculture.

8.3.2 International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture.

8.3.3 *Ex-situ* collections of plant genetic resources.

9. Form and intervals of national reports by Parties.

10. Medium-term programme of work of the Conference of the Parties 1995-1997.

29. The Committee held eleven meetings from 7 to 17 November 1995. A drafting group of the Committee of the Whole was also established on 11 November 1995. The Committee also established three open-ended contact groups on financial resources and mechanism, ecosystems, and biosafety. An open-ended contact group on budget and programme was also established.

2.4 *Ministerial Segment*

30. In accordance with the organization of work of the meeting, a Ministerial Segment of the second meeting of the Conference of the Parties to the Convention on Biological Diversity was held on 14 and 15 November 1995. At its fourth meeting, the Ministerial Segment adopted the Jakarta Ministerial Statement on the implementation of the Convention on Biological Diversity. The report of the Ministerial Segment is contained in annex I.

AGENDA ITEM 3: PENDING ISSUES ARISING FROM THE WORK OF THE FIRST MEETING OF THE CONFERENCE OF THE PARTIES

31. At the 3rd plenary session, on 7 November 1995, the President announced that the Bureau had entrusted Vice-President Augustine Bokwe (Cameroon) to conduct informal consultations on agenda item 3, on paragraph 1 of rule 40 of the rules of procedure for the meetings of the Conference of the Parties.

32. At its 4th session, on 17 November 1995, and in the light of the report received by the Bureau on the informal consultation conducted by Vice-President Bokwe, the plenary decided to transfer this issue to the third meeting of the Conference of the Parties. The plenary decided that this issue would thus be included on the agenda of the third meeting of the Conference of the Parties.

AGENDA ITEM 4: SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL MATTERS

4.1 *Report of the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice*

33. At the 1st session of the plenary, on 6 November 1995, Prof. J.H. Seyani (Malawi), Chairman of the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA), introduced the report of the first meeting of the SBSTTA, held in Paris at the headquarters of UNESCO from 4-8 September 1995, contained in document UNEP/CBD/COP/2/5.

34. At the 1st meeting of the Committee of the Whole, on 7 November 1995, during discussion of this agenda item, statements were made by representatives of the following countries: Argentina, Australia, Bahamas, Brazil, Canada, China, Colombia, Democratic People's Republic of Korea, Denmark, Finland, France, Germany, India, Indonesia, Japan, Malawi (also in its capacity as chair of the SBSTTA for 1995), Mauritius, Netherlands, New Zealand, Norway (also in the capacity as chair of the SBSTTA for 1996), Peru, Republic of Korea, Russian Federation, Senegal, Sweden, United Kingdom and Zimbabwe. A statement was also made by the representative of Greenpeace International.

35. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.9/Rev.1.

36. At the same meeting, the Committee also considered and approved for submission to the plenary, as orally amended, a draft decision submitted by Ghana on the publication and distribution of scientific and technical information, contained in document UNEP/CBD/COP/2/CW/L.17.

37. At its 4th plenary session, on 17 November 1995, on the basis of draft decision UNEP/CBD/COP/2/L.9/Rev.1 approved by the Committee of the Whole, the Conference of the Parties adopted decision II/1 "Report of the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice". The text of the decision is contained in annex II.

38. At the same plenary session, on the basis of draft decision UNEP/CBD/COP/2/CW/L.17, as orally amended and approved by the Committee of the Whole, the Conference of the Parties adopted decision II/2. "Publication and distribution of scientific and technical information". The text of the decision in contained in annex II.

39. At the same session, the President stated that the Bureau of the Conference of the Parties had recommended that the Bureau of the first meeting of the Subsidiary Body should remain in office until the election of the new Bureau at the next meeting of the SBSTTA, to be held from 2 to 6 September 1996. He also said that this recommendation was based on paragraph 2 of rule 21 of the rules of

procedure for meetings of the Conference of the Parties and on the need for continuity in the work of the Bureau of the SBSTTA so as to ensure the smooth preparation of the next meeting of the SBSTTA. It was also understood that, without constituting a precedent, the chairmen of the SBSTTA for 1995 and 1996 would act as co-chair until the second meeting of the SBSTTA.

4.2 *Clearing-house mechanism for technical and scientific cooperation*

40. At the 1st meeting of the Committee of the Whole, on 7 November 1995, the Executive Secretary introduced document UNEP/CBD/COP/2/6. He reminded the Conference that the first meeting of the Conference of the Parties, in its decision I/3, had requested the Secretariat to prepare a comprehensive study, in accordance with Article 18 of the Convention, containing concrete costed recommendations to assist it in the establishment of the clearing-house mechanism. He said that the note included a proposal for a pilot phase consisting of four modules for developing a database on Convention-related matters; establishing a decentralized network of national and regional centres; developing a prototype intelligent interactive system to assist national reports; creating the necessary capacities at the national level. He urged the Conference to evaluate the proposals, pointing out that it was now time to reach an appropriate decision on the clearing-house mechanism.

41. Statements were made by the following countries: Australia, Brazil, Bahamas, Canada, Colombia, Egypt, India, Indonesia, Kazakhstan, Kenya, Malaysia, Malawi, Mauritius, New Zealand, Nigeria, Norway, Peru, Republic of Korea, Russian Federation, Spain (on behalf of the European Union), South Africa, Sweden, Switzerland, United Kingdom and Zimbabwe.

42. At this meeting statements were also made by representatives of FAO and UNESCO. The representative of the Indian Institute of Public Administration also made a statement.

43. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.2/Rev.3.

44. At its 4th plenary session, on 17 November 1995, on the basis of the draft decision approved by the Committee of the Whole, the Conference of the Parties adopted decision II/3 "Clearing-house mechanism". The text of the decision is contained in annex II.

4.3 *Ways to promote and facilitate access to, and transfer and development of technology*

45. At the 2nd meeting of the Committee of the Whole, on 7 November 1995, the Executive Secretary of the Convention on Biological Diversity introduced item 4.3. He explained that the Subsidiary Body on Scientific, Technical and Technological Advice had considered this question at its first meeting, held at UNESCO headquarters, Paris, from 4-8 September 1995, basing its deliberations on a note prepared by the Secretariat (document UNEP/CBD/SBSTTA/1/5), which had suggested some elements of a possible programme of work to facilitate:

(a) the identification, assessment and selection of technologies;

(b) the access to, and financing the acquisition of, technologies;

(c) the participation in the international development of technologies;

(d) the assimilation and further development of technologies after acquisition.

46. He drew the attention of the meeting to document UNEP/CBD/COP/2/5, containing in its paragraphs 45 to 51 a summary of the consideration of this issue by the SBSTTA at its first meeting. The discussions had concentrated on:

(a) the role of the SBSTTA on this item;

(b) the relationship between the SBSTTA and the clearing-house mechanism;

(c) the terms of reference of any intersessional group on the issue of technology transfer.

47. During the discussion of the item, statements were made by the representatives of the following countries: Australia, Bangladesh, Brazil, Colombia, Costa Rica, Germany, Indonesia, Netherlands, Spain (on behalf of the European Union), Switzerland and United Kingdom.

48. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.3/Rev.2.

49. At its 4th plenary session, on 17 November 1995, on the basis of the draft decision approved by the Committee of the Whole, the Conference of the Parties adopted decision II/4 "Ways and means to promote and facilitate access to, and transfer and development of technology". The text of the decision is contained in annex II.

4.4 *Consideration of the need for and modalities of a protocol for safe handling and transfer of living modified organisms*

50. At the 2nd meeting of the Committee of the Whole, on 7 November 1995, the Vice-Chairman of the Open-ended Ad hoc Group of Experts on Biosafety, established by decision I/9 of the first meeting of the Conference of the Parties, Mr. Sugiono Moeljopawiro (Indonesia), speaking on behalf of the Chairman of the Group of Experts, introduced the report of the Group on its meeting held in Madrid from 24-28 July 1995, contained in document UNEP/CBD/COP/2/7. He gave an outline of the work that had preceded the establishment of the Group, described the Group's own work, and said that the majority of delegations had expressed the view that, at its second meeting, the Conference of the Parties should establish an open-ended working group to prepare a legally binding instrument on the safe handling and transfer of living modified organisms.

51. During the discussion of the item, statements were made by the representatives of the following countries: China, Colombia, Egypt, Ethiopia, Fiji, Indonesia, Japan, Kenya, Mauritius, Norway, Peru, Philippines (on behalf of the Group of 77 and China), Republic of Korea, Spain (on behalf of the European Union), Switzerland and Zimbabwe.

52. At its 3rd meeting, on 8 November 1995, the Committee resumed its consideration of the item. During the discussion, statements were made by Brazil, Hungary, Islamic Republic of Iran, Malawi, Malaysia, Morocco, New Zealand, Uganda and the United States. Statements were also made by the representatives of the Edmonds Institute, Greenpeace International, Third World Network, Green Industry Biotechnology Platform (GIBiP) and the Biotechnology Industry Organization (BIO), on behalf of the Senior Advisory Group Biotechnology (SAGB) and the Industrial Biotechnology Association of Canada (IBAC).

53. At the 6th meeting of the Committee of the Whole, on 9 November 1995, the Chairman announced the establishment of an open-ended contact group on this item, coordinated by Mr. E. Sumardja (Indonesia).

54. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.22.

55. At its 4th plenary session, on 17 November 1995, on the basis of the draft decision approved by the Committee of the Whole, the Conference of the Parties adopted decision II/5 "Consideration of the need for and modalities of a protocol for the safe transfer, handling and use of living modified organisms". The text of the decision is contained in annex II.

56. After the closure of the meeting, the representative of Denmark informed the Secretariat of his country's offer to host, from 22 to 26 July 1996, the first meeting of the open-ended working group on biosafety.

AGENDA ITEM 5: MATTERS RELATED TO FINANCIAL RESOURCES AND MECHANISM

5.1 *Report on the activities of the Global Environment Facility as the interim institutional structure*

57. At its 3rd meeting, on 8 November 1995, the Committee of the Whole took up its consideration of this agenda item. Introducing the item, the Executive Secretary drew attention to the report prepared by the GEF, contained in document UNEP/CBD/COP/2/8. He pointed out that the content of that report had been highlighted by Mr. Mohammed El-Ashry, Chief Executive Officer and Chairman of the GEF, in the statement he had made at the opening session.

58. During the discussion of the agenda item, statements were made by representatives of the following countries: Australia, Bangladesh, Brazil, Burkina Faso, Equatorial Guinea, India, Indonesia, Islamic Republic of Iran, Kenya, Malawi, Malaysia, Mauritius, Nigeria, Peru, Philippines, Spain (on behalf of the European Union), Switzerland and Tunisia. A statement was also made by a representative of the GEF.

59. At its 6th meeting on 9 November 1995, the Committee of the Whole established an open-ended contact group on issues related to financial resources and mechanism, to be chaired by Vice-President John Ashe (Antigua and Barbuda). All issues pertaining to agenda item 5 were considered in this open-ended contact group.

5.2 *Report of the Secretariat on the financial mechanism under the Convention*

60. At its 3rd meeting, on 8 November 1995, the Committee considered this item of its agenda. The item was introduced by the Executive Secretary of the Convention on Biological Diversity, who presented the report of the Secretariat on the financial mechanism under the Convention, contained in document UNEP/CBD/COP/2/9. That report, he said, was submitted in accordance with decision I/2 of the first meeting of the Conference of the Parties, in order that decisions could be adopted on the timetable and nature of the review required under Article 21, paragraph 3, of the Convention. Part I of the report outlined the main activities undertaken by the Secretariat from January to October 1995 relating to the financial mechanism. Part II provided some suggestions on how the Conference of the Parties could be advised on the timetable and nature of the review of the effectiveness of the financial mechanism.

61. During the discussion of the item, statements were made by the representatives of the following countries: Colombia, Cuba, India, Japan, Malaysia and Spain (on behalf of the European Union). A statement was also made by the representative of the World Bank.

5.3 *Study on the availability of additional financial resources*

62. At its 3rd meeting, on 8 November 1995, the Committee of the Whole considered this item of the agenda. The item was introduced by the Executive Secretary of the Convention on Biological Diversity who stated that, at the request of the Conference of the Parties at its first meeting, in its decision I/2, paragraph 7, the Secretariat had prepared the study contained in document UNEP/CBD/COP/2/10 on the availability of additional financial resources. Chapter II of the document examined ways and means of mobilizing and channelling resources.

63. During discussion of the item, statements were made by the representatives of the following countries: Australia, Austria, Brazil, Ghana, India, Indonesia, Japan, Malaysia, Nigeria, Spain (on behalf of the European Union), Switzerland, United Kingdom, and the United States of America. Statements were also made by the representatives of the World Bank and IUCN.

5.4 *List of developed country Parties and other Parties which voluntarily assume the obligations of developed country Parties*

64. At its 3rd meeting, on 8 November 1995, the Committee of the Whole considered this item of its agenda. The item was introduced by the Executive Secretary of the Convention on Biological Diversity. He said that, at the first meeting of the Conference of the Parties, a list of developed country Parties and other Parties which voluntarily assumed the obligations of developed country Parties had been prepared and was contained in annex II to decision I/2 on financial resources and mechanism.

5.5 *Designation in accordance with Article 21 of the Convention of the institutional structure to operate the financial mechanism*

65. At the 4th meeting of the Committee of the Whole, on 8 November 1995, the Executive Secretary said that, at its first meeting, the Conference of the Parties had requested the Secretariat to include in the agenda of its second meeting items which would enable it to review the financial resources and, bearing in mind Article 39 of the Convention, take a decision as to the institutional structure to be designated in accordance with Article 21 of the Convention.

66. He added that, while no paper had been prepared on that agenda item, the Committee might wish to take into account the report of the GEF, contained in document UNEP/CBD/COP/2/8, that it had considered at its previous meeting.

67. During the discussion of the item, statements were made by the representatives of the following countries: Philippines (on behalf of the Group of 77 and China) and Spain (on behalf of the European Union).

5.6 *Draft memorandum of understanding between the Convention on Biological Diversity and the Global Environment Facility*

68. At the 4th meeting of the Committee of the Whole, on 8 November 1995, the Executive Secretary introduced the draft memorandum of understanding between the Conference of the Parties and the GEF that had been prepared by the Secretariat at the request of the first meeting of the Conference of the Parties and contained in document UNEP/CBD/COP/2/11. The Secretariat, he said, had been authorized to consult, on behalf of the Conference of the Parties, with the restructured GEF on the content of such a memorandum, taking due account of the views of the participants in the first meeting of the Conference of the Parties.

69. During the discussion of the item, statements were made by representatives of the following countries: Austria, Malaysia, Philippines (on behalf of the Group of 77 and China), Spain (on behalf of

the European Union) and the United States of America. A statement was also made by the representative of Humane Society International on behalf of a number of non-governmental organizations.

70. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on all issues related to agenda item 5 submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.11.

71. At its 4th plenary session, on 17 November 1995, on the basis of the draft decision approved by the Committee of the Whole, the Conference of the Parties adopted decision II/6 "Financial resources and mechanism". The text of the decision is contained in annex II.

AGENDA ITEM 6: CONSERVATION AND SUSTAINABLE USE

6.1. *Consideration of Articles 6 and 8 of the Convention*

72. At the 4th meeting of the Committee of the Whole, on 8 November 1995, the Executive Secretary of the Convention on Biological Diversity introduced this item, drawing attention to the Note by the Secretariat contained in document UNEP/CBD/COP/2/12. He recalled that the first meeting of the Conference of the Parties had called for the second meeting to discuss items relating to general measures for conservation and sustainable use of biological diversity. The purpose of such discussion at the second meeting was to provide information and share experiences on the implementation of Article 6 (General Measures for Conservation and Sustainable Use) and Article 8 (*In-situ* Conservation), as expressed in items 5.1.1 and 5.2.2 of the medium-term programme of work approved by the first meeting of the Conference of the Parties, contained in the annex to decision I/9.

73. During the discussion of this item, statements were made by the representatives of the following countries: Australia, Bangladesh, Canada, France, Ghana, Japan, Madagascar, Malaysia, Maldives, Myanmar, New Zealand, Nigeria, Peru, Republic of Korea, United Kingdom and the United States of America.

74. At the 5th meeting of the Committee of the Whole, on 9 November 1995, during the continued discussion, statements were made by the representatives of the following countries: Argentina, Azerbaijan, Cameroon, Costa Rica, Denmark, India, Malawi, Mauritius, Nepal, Netherlands, Peru, Philippines, Russian Federation (on behalf of the Eastern European Group), Senegal, Spain (on behalf of the European Union), Sweden, Switzerland, South Africa, Thailand, United Kingdom and Uruguay. A statement was also made by the representative of the Centre for International Environmental Law, on behalf of a number of non-governmental organizations.

75. At the 6th meeting of the Committee of the Whole, on 9 November 1995, during the further discussion of this topic, statements were made by the representatives of the following countries: Burkina Faso, El Salvador, Iceland, Indonesia, Islamic Republic of Iran, Norway, Uganda and Zaire. A statement was also made by the representative of UNESCO.

76. Under this agenda item and pursuant to decision I/9 on the medium-term programme of work of the Conference of the Parties at its first meeting, participants exchanged information and experience on measures taken for the implementation of Articles 6 and 8 of the Convention at the national, regional and international levels.

77. At the end of the discussion, the Chairman of the Committee of the Whole concluded that the debate on this agenda item highlighted the need for regional cooperation among Parties. He invited participants in the meeting to submit written contributions to the Secretariat and requested the

Secretariat to prepare a summary of the presentations for distribution and further discussion at the forthcoming meetings of the Conference of the Parties.

78. At the same meeting of the Committee of the Whole, the Chairman announced that the open-ended contact group coordinated by Vice-President A.K. Ahuja (India) would consider the next steps on Articles 6 and 8 of the Convention, as well as the input of the Conference of the Parties to the work of the Intergovernmental Panel on Forests.

79. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.4/Rev.1.

80. At its 4th plenary session, on 17 November 1995, on the basis of the draft decision approved by the Committee of the Whole, the Conference of the Parties adopted decision II/7 "Consideration of Articles 6 and 8 of the Convention". The text of the decision is contained in annex II.

6.2. *Preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention*

81. At the 4th meeting of the Committee of the Whole, on 8 November 1995, the Executive Secretary of the Convention on Biological Diversity introduced item 6.2, recalling that the first meeting of the Conference of the Parties had incorporated the issue in its medium-term programme of work, under the general heading "Conservation of biological diversity". Considering the urgency of the issue, the Conference of the Parties had requested the SBSTTA to provide some advice as a matter of priority on alternative ways and means in which the Conference of the Parties could start the process of considering the components of biological diversity particularly under threat and the identification of action which could be taken under the Convention, and report to the Conference of the Parties. The SBSTTA had met in Paris from 4-8 September 1995 and had adopted recommendation I/3, contained in document UNEP/CBD/COP/2/5.

82. Stressing the importance of forests for the conservation and sustainable use of biological diversity, the Executive Secretary said that the meeting of the SBSTTA had also recommended that the Conference of the Parties consider whether an input into the work of the Intergovernmental Panel on Forests established by the CSD would be desirable.

83. During the discussion of this item, statements were made by the representatives of the following countries: Australia, Brazil, China, France, Germany, India, Japan, Netherlands, New Zealand, Rwanda, Spain (on behalf of the European Union), Tunisia and Uruguay. A statement was also made by the representative of the Indian Institute of Public Administration.

84. At the 5th meeting of the Committee of the Whole, on 9 November 1995, during the further discussion of the item, statements were made by the representatives of the following countries: Argentina, Colombia, Kazakhstan, Mauritius, Russian Federation (on behalf of the Eastern European Group), Senegal, Thailand, United Kingdom and the United States of America. A statement was also made by the representative of the Centre for International Environmental Law, on behalf of a number of non-governmental organizations.

85. At the 6th meeting of the Committee of the Whole, on 9 November 1995, during the further discussion of this topic a statement was made by the representative of Sweden.

86. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved for submission to the plenary the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.5/Rev.1.

87. At its 4th plenary session, on 17 November 1995, on the basis of draft decision UNEP/CBD/COP/2/CW/L.5/Rev.1, approved by the Committee of the Whole, the Conference of the Parties adopted decision II/8 "Preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention". The text of the decision is contained in annex II.

88. At its 10th meeting, the Committee of the Whole also considered and approved for submission to the plenary, as orally amended, a draft decision on forests and biological diversity, submitted by the Chairperson of the open-ended working group on ecosystems and contained in document UNEP/CBD/COP/2/CW/L.18.

89. At its 4th plenary session, on the basis of draft decision UNEP/CBD/COP/2/L.18, as orally amended and approved by the Committee of the Whole, the Conference of the Parties adopted decision II/9 "Forests and biological diversity". The text of the decision is contained in annex II.

6.3 *Coastal and marine biological diversity*

90. At the 6th meeting of the Committee of the Whole, on 9 November 1995, the Secretariat introduced the agenda item, stating that, at its first meeting, the Conference of the Parties had requested the SBSTTA to provide advice to the second meeting of the Conference of the Parties on the scientific, technical and technological aspects of the conservation and sustainable use of coastal and marine biological diversity. To assist the SBSTTA in the work of the first meeting, held in Paris, from 4-8 September 1995, the Secretariat had prepared a note on the issues surrounding the scientific, technical and technological aspects of the conservation and sustainable use of coastal and marine biological diversity, contained in document UNEP/CBD/SBSTTA/1/8.

91. The report of the first meeting of the SBSTTA, he continued, which was to be found in document UNEP/CBD/COP/2/5, contained in its paragraphs 65 to 76 a summary of SBSTTA's consideration of the topic and, in its annex, the resultant recommendation I/8. In that recommendation, he added, the SBSTTA suggested that the Conference of the Parties should establish a group of experts on coastal and marine biological diversity for a period of three years from 1996 to 1998. It had also suggested terms of reference for the group. The Conference of the Parties, he said, might thus wish to consider, if such a group of experts were established, whether it should hold its first one-week meeting during 1996, at the headquarters of the Secretariat, with a view to reporting to the SBSTTA at its second meeting. It might further wish to consider the terms of reference to be given to the group and the financial implications of its establishment.

92. During the discussion of the item, statements were made by the representatives of the following countries: Australia, Belize, Canada, Cuba, Dominican Republic, Fiji, Ghana, Iceland, Indonesia, Italy, Jamaica (on behalf of those States Parties that were partners in the International Coral Reef Initiative (ICRI)), Malawi, Mauritius, Mozambique, Netherlands, New Zealand, Nigeria, Norway, Peru, Philippines (on behalf of the Group of 77 and China), Republic of Korea, Senegal, Spain (on behalf of the European Union), United States of America and Uruguay. Statements were also made by the representative of Indonesian Bioforum and by the representative of Indonesian Forum for the Environment, on behalf of a number of national and international non-governmental organizations.

93. At the 6th meeting of the Committee of the Whole, on 9 November 1995, the Chairman announced that the open-ended contact group coordinated by Vice-President A.K. Ahuja (India) would also examine issues of marine and coastal biodiversity.

94. At its 7th meeting, on 10 November 1995, the Committee of the Whole resumed discussion of this agenda item. During the discussion of the item, statements were made by the representatives of China, Colombia, Greece, India, Islamic Republic of Iran, Japan, Monaco, Norway, Philippines (on its own behalf, and also on behalf of the Group of 77 and China), Samoa, Saint Lucia, Sweden, Uganda and the United Kingdom. Statements were made by representatives of FAO and UNESCO. Statements were also made by the representatives of Greenpeace International (on behalf of the Indonesian Forum for Environment - WALHI), the Asian Wetland Bureau (on behalf of the Bureau of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat - Ramsar Convention) and Biodiversity Action Network (BIONET).

95. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered the draft decision on this item submitted by the Chairperson of the open-ended working group on ecosystems and contained in document UNEP/CBD/COP/2/CW/L.21.

96. At that meeting, the representative of Sweden said that the understanding of his delegation was that the study to which the Secretariat and the United Nations Office for Ocean Affairs and the Law of the Sea referred in the draft decision, should include legal issues.

97. At the same meeting, the representative of India stated that the holistic approach to ecosystems, recommended by the first meeting of the SBSTTA and endorsed by the second meeting of the Conference of the Parties, should be emphasized. The draft decision on marine and coastal biological diversity should be approached in the spirit of such a basic principle.

98. At the same meeting, the representative of Turkey stated that the signing by Turkey of the Convention on Biological Diversity and the country's participation in the present conference neither prejudiced nor affected the position of Turkey concerning the 1982 United Nations Convention on the Law of the Sea.

99. At the 11th meeting of the Committee of the Whole, on 17 November 1995, the Chairman of the Committee submitted for consideration and approval the draft decision contained in document UNEP/CBD/COP/2/L.21/Rev.1. The draft decision was approved, as orally amended.

100. Following the approval of the decision, the Chairman of the Committee of the Whole stated that the Conference of the Parties was the only authoritative organ to deal with this issue, and the SBSTTA was the sole body to provide scientific and technical advice on the issue. He further stated that the views of all Governments should be sought and the Secretariat would establish the panel, on the understanding that the third meeting of the Conference of the Parties would review the functioning of the panel.

101. At its 4th plenary session, on 17 November 1995, on the basis of the draft decision approved, as orally amended, by the Committee of the Whole, the Conference of the Parties adopted decision II/10 "Conservation and sustainable use of marine and coastal biological diversity". The text of the decision is contained in annex II.

AGENDA ITEM 7: ACCESS TO GENETIC RESOURCES

7.1 *Existing legislation, administrative and policy information on access to genetic resources and the equitable sharing of benefits derived from their use*

102. At its 7th meeting, on 10 November 1995, the Committee of the Whole took up its consideration of this agenda item. Introducing the item, the Secretariat drew the attention of the Committee to the report prepared by the Secretariat as document UNEP/CBD/COP/2/13. Section I of

that report provided the background on the provisions of the Convention relating to genetic resources; section II provided a compilation of examples of legal experience; section III dealt with significant issues arising out of experience with implementation to date; and section IV contained conclusions and recommendations.

103. During the discussion of the agenda item, statements were made by the representatives of Argentina, Australia, Brazil, Colombia, Indonesia, India, Malawi, Malaysia, New Zealand, Nigeria, Peru, Philippines (on behalf of the Group of 77 and China), Spain (on behalf of the European Union), Solomon Islands, Sweden, Syrian Arab Republic, Thailand and Zaire. Statements were also made by representatives of the Consultative Group on International Agricultural Research (CGIAR) and of the Indigenous Peoples Biodiversity Network (IPBN).

104. At the 8th meeting of the Committee of the Whole, on 10 November 1995, during the further discussion of the item statements were made by the representatives of the following countries: Brazil, Canada, Denmark, Ghana, Islamic Republic of Iran, Japan, Mauritius, Mexico, Norway, Papua New Guinea, Republic of Korea, Senegal and the United States. Statements were also made by the representatives of the Third World Network and the German NGO Network.

105. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.24, as orally revised.

106. At its 4th plenary session, on 17 November 1995, on the basis of the draft decision orally revised and approved by the Committee of the Whole, the Conference of the Parties adopted decision II/11 "Access to genetic resources". The text of the decision is contained in annex II to the present report.

107. Following the adoption of the decision, the representative of the Philippines, on behalf of the Group of 77 and China, requested that the following statement be reflected in the report:

> "On behalf of the Group of 77 and China, I wish to express our appreciation for the paper of the Secretariat on "Access to Genetic Resources and Benefit Sharing". However, the paper raises some fundamental concern to the Group of 77 and China.
>
> Mr. Chairman, the Convention on Biological Diversity is based on the three pillars of conservation, sustainable use and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.
>
> Mr Chairman, the Secretariat's paper on "Access to Genetic Resources and Benefit Sharing" discusses extensively the issue of access to genetic resources but does not discuss sufficiently the issue of equitable sharing.
>
> Mr. Chairman, the item on access to genetic resources is of utmost importance to the members of the Group 77 and China. Most of the world's genetic resources are found in our countries. That there continues to be diversity in these genetic resources is a result of our peoples' efforts.
>
> The Group of 77 and China consider genetic resources to be of enormous economic value as existing and potential sources of commercial products, especially in the field of pharmaceutical and agriculture.
>
> Mr. Chairman, the Group of 77 and China believe that a study should be made to develop a mechanism for the valuation of genetic resources, and the implementation of the principle of

fair and equitable sharing of benefits as well as to consider the issue of repatriation of genetic resources.

Mr. Chairman, the Group of 77 and China wish to emphasize that, as stated in Article 15, States have sovereign rights over their natural resources and the authority to determine access to genetic resources rests with the national Governments and is subject to national legislation.

Mr. Chairman, we regret that the Secretariat paper does not emphasize this fundamental principle and does not develop the concept of prior informed consent on the Contracting Party, as required by paragraph 5 of Article 15. Mr. Chairman, we submit that this should have been the major theme of the paper.

There is also a need for assistance for capacity-building in developing countries to implement Article 15 of the Convention on Biological Diversity and to protect their genetic resources by administrative and legislative measures.

Finally, Mr. Chairman, I wish to invite attention to the Food and Agriculture Organization of the United Nations undertaking, which would include access to plant genetic resources. We believe that the Conference of the Parties and the Convention on Biological Diversity should review the status of the ongoing negotiations to ensure that those negotiations do not run counter to the provisions of the Convention on Biological Diversity and will be supportive of its objectives."

7.2 *Policy, legislative, or administrative measures related to intellectual property rights as provided in Article 16 of the Convention and to access to and transfer of technology that makes use of genetic resources*

108. At the 8th meeting of the Committee of the Whole, on 10 November 1995, a member of the Secretariat of the Convention on Biological Diversity introduced item 7.1, recalling that the first meeting of the Conference of the Parties had called for the second meeting to consider a compilation of "information provided by Governments as well as relevant reports from appropriate international organizations regarding policy, legislative or administrative measures related to intellectual property rights as provided in Article 16 of the Convention and to access to and transfer of technology that makes use of genetic resources." The information received on the topic had been compiled by the Secretariat in document UNEP/CBD/COP/2/17. She recalled that, rather than putting the issue of intellectual property rights (IPRs) under the broader heading of "Technology Transfer" in its medium-term programme of work, the Conference of the Parties had linked the issue of IPRs to transfer of technologies which made use of genetic resources and placed both under the overall heading of "Access to genetic resources." The medium-term programme of work thus focused on arrangements for access to genetic resources, and especially on those components which involved the transfer of technologies making use of genetic resources and on the role of IPRs in that process.

109. During the discussion of this item, statements were made by the representatives of the following countries: Argentina, Australia, Ghana, India, Indonesia, Japan, Mexico, Morocco, Norway, Peru, Philippines, Republic of Korea, Spain (on behalf of the European Union) and the United States of America.

110. Statements were also made by representatives of the Biotechnology Industry Association (on behalf of a number of associations of companies working in the biotechnology field), GIBiP and the Third World Network.

111. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.25, as orally amended.

112. After the approval of the draft decision, the representative of India said that India insisted on consideration of a study on the inclusion of the country of origin, knowledge systems used, prior informed consent and mutual agreement with the country of origin in the applications for patents covering products using biological resources.

113. At its 4th plenary session, the Conference of the Parties adopted decision II/12 contained in document UNEP/CBD/COP/2/CW/L.25, as orally amended by the Committee of the Whole, entitled "Intellectual Property Rights". The text of that decision is contained in annex II.

AGENDA ITEM 8: RELATIONSHIP WITH OTHER BODIES

114. At the 2nd session of the plenary, on 6 November 1995, Dr. Setijati Sastrapradja, Executive Director of the Indonesian Biodiversity Foundation, representing Dr. Emil Salim, presented the report on the Third Global Biodiversity Forum, held in Jakarta on 4-5 November 1995. The Forum, she said, had been attended by some 400 people from Governments, NGOs and the private sector, and representing over 40 countries. The third session of the Forum had been sponsored by IUCN, UNEP, the Indonesian Biodiversity Foundation, the World Wide Fund for Nature (WWF) Indonesia Programme, the World Resources Institute (WRI), and the African Centre for Technology Studies (ACTS). Numerous other organizations had assisted in organizing the four parallel workshops that had taken place, on marine biodiversity, regulation of access to genetic resources, decentralization of governance and the management of biodiversity, and forests and biodiversity. A number of recommendations to the Conference of the Parties had emerged from discussions at the workshops, which she urged the Conference to consider.

115. At its 9th meeting, on 11 November 1995, the Committee of the Whole resumed its discussions under this item. Statements were made by the representatives of the following countries: Burundi, Botswana, Cuba, Morocco, Spain (on behalf of the European Union) and United Republic of Tanzania. A statement was made by the representative of UNESCO. Statements were also made by the representatives of African Resource Trust and BioForum '95 on behalf of 44 Indonesian NGOs established to participate in the second meeting of the Conference of the Parties.

8.1 *Outcome of the third session of the Commission on Sustainable Development*

116. At the 2nd session of the plenary, on 6 November 1995, the President of the first meeting of the Conference of the Parties, Dr. Ivy Dumont, made her report on her presentation of the statement of the Conference of the Parties to the third session of the Commission on Sustainable Development, held in New York from 11-28 April 1995, as mandated in decision I/8 of the first meeting of the Conference of the Parties. She said that the Commission had welcomed the adoption by the Conference of the Parties of its medium-term programme of work, the prompt establishment of the SBSTTA and the clearing-house mechanism to promote and facilitate technical and scientific cooperation. It had recognized that the conservation of biological diversity and the sustainable use of its components cut across the wide spectrum of sectoral and cross-sectoral issues addressed in Agenda 21 and recommended nine activities to be undertaken through the Convention.

117. With regard to the offer of the Conference of the Parties to enter into a dialogue with the Commission on Sustainable Development on the sustainable management of forests and the role of biological diversity in ensuring the integrity and functioning of forest ecosystems, the Commission also recognized that those concerns were covered by the objectives of the Convention and would welcome

future contributions of the Conference of the Parties to that end. She considered that the statement addressed to the Commission by the first meeting of the Conference of the Parties was the first step in what should prove to be a close relationship between the Conference of the Parties and the Commission.

8.2 *Cooperation with other biodiversity-related conventions*

118. At the 8th meeting of the Committee of the Whole, on 10 November 1995, the Secretariat introduced this agenda item. Having recalled that, at its first meeting, the Conference of the Parties had decided that consideration of the relationship of the Convention with other biodiversity-related conventions would be a standing item included in the agenda of each of its meetings, he said that the Secretariat had prepared a note on the subject, contained in document UNEP/CBD/COP/2/Inf.2, which mentioned some of the practical reasons why cooperation might be sought and how the Conference of the Parties might benefit from such cooperation. The Secretariat also endeavoured to assist the Conference of the Parties in identifying specific topics for possible cooperation and the ways in which such cooperation might take place.

119. During the discussion of the item, statements were made by the representatives of the following countries: Argentina, Australia, Canada, Denmark, France, Ghana, Jamaica, Japan, Mozambique, New Zealand, Peru, Spain (on behalf of the European Union) and Switzerland. A statement was also made by the representative of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat - Ramsar Convention.

120. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.16/Rev.1 and approved it, as orally amended, for submission to the plenary.

121. Under this agenda item, the Committee of the Whole considered the draft decision submitted by the representative of the Philippines on behalf of the Group of 77 and China and contained in document UNEP/CBD/COP/2/CW/L.19, on the convening of an open-ended workshop on cooperation between the Convention on Biological Diversity and other related international conventions, which it amended and approved, for submission to the plenary.

122. At its 4th plenary session, the Conference of the Parties adopted the decision II/13 and decision II/14 contained in documents UNEP/CBD/COP/2/CW/L.16/Rev.1 and UNEP/CBD/COP/2/CW/L.19, as amended and approved by the Committee of the Whole. The text of the decisions is contained in annex II to the present report.

8.3 *FAO Global System for Conservation and Utilization of Plant Genetic Resources for Food and Agriculture*

123. At its 9th meeting, on 11 November 1995, the Committee of the Whole considered this agenda item. The discussion of the item was introduced by the Chairman of the Commission on Plant Genetic Resources of FAO. In its discussions of agenda item 8.3, the Committee also had before it document UNEP/CBD/COP/2/Inf.13/Rev.1. Statements were made by the representatives of the following countries: Argentina, Australia, Burkina Faso, Burundi, Canada, Colombia, France, Germany, Guinea, India, Indonesia, Islamic Republic of Iran, Japan, Kazakhstan, Malawi, Malaysia, Netherlands, Nigeria, Philippines (on behalf of the Group of 77 and China), Spain (on behalf of the European Union), Sweden, Switzerland and the United States of America. A statement was made by the representative of FAO. A statement was also made by the representative of the German Biodiversity Working Group.

8.3.1 *International Undertaking on Plant Genetic Resources for Food and Agriculture*

124. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.8/Rev.1.

125. At its 4th session, on 17 November 1995, the Conference of the Parties adopted decision II/15 on the FAO Global System for Conservation and Utilization of Plant Genetic Resources. The text of the decision is contained in annex II.

8.3.2 *International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture*

126. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.14/Rev.1.

127. At its 4th session, on 17 November 1995, the Conference of the Parties adopted decision II/16 on the International Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture. The text of the decision is contained in annex II.

AGENDA ITEM 9: FORM AND INTERVALS OF NATIONAL REPORTS BY PARTIES

128. At its 9th meeting, on 11 November 1995, the Committee took up its consideration of this agenda item. The item was introduced by a member of the Secretariat, who said that the recommendations of the SBSTTA concerning the form and intervals of national reports were contained in document UNEP/CBD/COP/2/5, pages 29-31. In order to assist the Conference of the Parties in its consideration of this agenda item, the Secretariat had prepared a note contained in document UNEP/CBD/COP/2/14, which reviewed possible options on the form of national reports and on their intervals.

129. Statements were made by representatives of the following countries: Philippines (on behalf of the Group of 77 and China) and Spain (on behalf of the European Union). A statement was also made by the African Resource Trust. The discussion of this item continued in the drafting group of the Committee of the Whole.

130. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered the draft decision on this item submitted by its Chairman and contained in document UNEP/CBD/COP/2/CW/L.10/Rev.1 and approved it, as orally amended, for submission to the plenary.

131. At its 4th plenary session, on 17 November 1995, the Conference of the Parties adopted decision II/17 contained in document UNEP/CBD/COP/2/CW/L.10/Rev.1, as orally amended by the Committee of the Whole, entitled "Form and Interval of National Reports". The text of the decision is contained in annex II to the present report.

132. Following the adoption of the decision a statement was made by the representative of China for inclusion in the report as follows:

> "The Chinese Delegation understands that the National Report of each State should be based on its own situation. Therefore, although there is a unified guideline, some parts may not be included in the National Report of some States because of the lack of related activities on

information. The country study completed by some States may be taken as the National Report required for the Parties for comprehensive assessments to a certain degree. Only up-to-date information needed to be provided."

AGENDA ITEM 10: MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES 1995-1997

133. At the 6th meeting of the Committee of the Whole, on 9 November 1995, the Executive Secretary introduced this item.

134. At the same meeting of the Committee of the Whole the Chairman announced that the open-ended contact group on budget, coordinated by Vice-President P. Unwin (United Kingdom), would also study the medium-term programme of work of the Conference of the Parties.

135. At the 8th meeting of the Committee of the Whole the Chairman invited general comments on the medium-term programme of work of the Conference of the Parties 1995-1997. In response, statements were made by the representatives of the following countries: Australia, Canada, Denmark, Norway and Spain (on behalf of the European Union). A statement was also made by the representative of the Indigenous Peoples' Biodiversity Network.

136. At its 10th meeting, on 16 November 1995, the Committee of the Whole considered and approved, for submission to the plenary, the draft decision on this item submitted by the Chairman of the open-ended contact group on budget and programme and contained in document UNEP/CBD/COP/2/CW/L.23, as orally amended.

137. At its 4th plenary session, on 17 November 1995, the Conference of the Parties adopted decision II/18 contained in document UNEP/CBD/COP/2/CW/L.23, as orally amended by the Committee of the Whole, entitled "Medium-term Programme of Work of the Conference of the Parties for 1996-1997". The text of the decision is contained in annex II to the present report.

AGENDA ITEM 11: ADMINISTRATIVE MATTERS

11.1 *Location of the Secretariat*

138. At the 2nd plenary session, on 6 November 1995, the President invited the Conference to consider agenda item 11.1 on the location of the Secretariat of the Convention on Biological Diversity. Under this item, the meeting had before it document UNEP/CBD/COP/2/2/Rev.1, containing the offers made by Canada, Kenya, Spain and Switzerland concerning the location of the Secretariat. The scenario agreed by the four candidates for the consideration of their candidacies was before the meeting in document UNEP/CBD/COP/2/CRP.1. In line with the agreed scenario, the President invited the representatives to make their presentations in the following order: Kenya, Switzerland, Canada and Spain.

139. The presentations were made by the representatives of the candidate cities, who also responded to requests for further information from the floor.

140. The President announced that, in line with the scenario agreed, as set out in document UNEP/CBD/COP/2/CRP.1, the voting on the issue of location would take place in the afternoon of 13 November 1995. He urged Parties to ensure that their accreditations were submitted to the Bureau of the Conference in a timely manner to ensure eligibility to vote.

141. At the 3rd plenary session of the meeting, on 13 November 1995, the President of the Conference announced that meetings had been held with the four candidates and the Credentials

Committee at which it had been decided, in accordance with the procedure outlined in UNEP/CBD/COP/2/CRP.1 and decision I/10 of the first meeting of the Parties:

(a) That, in accordance with Article 36, paragraph 3, 124 participants would be entitled to participate in the vote;

(b) That, for those candidates whose credentials had not arrived or were not in order, they could participate in the vote if they so requested in writing;

(c) That, in such cases, they would have to provide credentials in due order by 17 November 1995 before the closure of the Conference.

142. The President of the Conference announced the first round of the secret ballot. The counting of votes, he said, would be undertaken by the President of the Conference, with the assistance of the Secretariat of the Convention and with the participation of one representative of each candidate taking part in the ballot. He said that the actual number of votes would not be announced when the result of the first round of voting was communicated.

143. On the basis of the result on the first round of voting, in line with the agreed procedure, whereby the candidate receiving the least number of votes would withdraw, the President announced the withdrawal of Kenya.

144. On the basis of the result of the second round of voting for the three remaining candidates, in line with the agreed procedure, the President announced the withdrawal of Spain.

145. At the end of the third round of voting, the President announced that a consensus had been reached and recommended the candidature of Canada to be adopted by consensus. The meeting endorsed, by acclamation, Montreal as the location of the Secretariat referred to in Article 24 of the Convention. He congratulated Canada on the outcome of the election and expressed his thanks to all participants in the meeting for the manner in which the voting had been conducted.

146. The representative of Switzerland stated that the various undertakings which his country had made to assist in international negotiations, particularly in favour of those countries which did not at present have representation in Geneva, would be unaffected by the outcome of the vote. He congratulated the delegation of Canada upon the selection of Montreal as the future site of the Secretariat, expressed his confidence that Montreal would play a successful part in achieving the goals of the Convention on Biological Diversity, and pledged his country's continuing support to the activity of the Convention.

147. The representative of Canada thanked the representative of Switzerland for his congratulations. The result of the vote, he continued, exemplified the spirit of the Convention, which he also described as the spirit of Jakarta: the search for consensus. After expressing his respects to the representatives of Kenya, Spain and Switzerland for the amicable way in which they had competed, he thanked all the participants for the confidence expressed in Montreal as the future site of the Secretariat, undertook that the city would work extremely hard to achieve the aims of the Convention, and assured those members of the Secretariat who would be moving to Montreal that although the city's winters were cold, its welcome of them would be warm.

148. The representative of Spain congratulated the delegation of Canada upon the selection of Montreal, pledged his country's continuing support for the aims of the Convention, and thanked all those who had voted for Madrid.

149. The representative of Kenya expressed his pleasure that a decision on the future site of the Secretariat had been reached by consensus. He congratulated the delegation of Canada on the selection of Montreal, pledged his country's continuing support for the aims of the Convention, and said that Nairobi would always be happy to host meetings when the weather in Montreal was too cold.

150. At its 4th plenary session, on 17 November 1995, the Chairman invited Mr. Peter Unwin, Vice-President and Chairman of the open-ended contact group on budget and programme of work, to present the draft decision contained in document UNEP/CBD/COP/2/L.5 on the location of the Secretariat.

151. At the same session, the Conference of the Parties adopted the decision II/19 entitled "Location of the Secretariat". The text of the decision is contained in annex II to the present report.

11.2 *Report on the administration of the Convention*

152. At the 2nd session of the plenary, on 6 November 1995, the meeting took up its consideration of this agenda item. Introducing the item, the Executive Secretary of the Secretariat pointed to document UNEP/CBD/COP/2/15 and Corr.1, the report on the administration of the Convention. He made an oral correction to annex II to that document.

153. In the discussion of the item, statements were made by the representatives of Australia, Austria, Brazil, Burkina Faso, Hungary, India, Japan, Malaysia, Mauritius, Republic of Korea, Sweden and the United States of America.

154. At its 4th session, on 17 November 1995, the Conference of the Parties took note of the report on the administration of the Convention contained in document UNEP/CBD/COP/2/15 and Corr.1.

11.3 *Budget of the Trust Fund for the Convention on Biological Diversity*

155. At the 3rd plenary session, on 7 November 1995, the meeting took up its consideration of this agenda item. Introducing the item, the Executive Secretary of the Convention on Biological Diversity drew attention to document UNEP/CBD/COP/2/3 and its addendum 1, a note prepared by the Secretariat on the proposed budget of the Trust Fund for the Convention on Biological Diversity. The note, he said, had to be submitted to Parties 90 days prior to the second meeting of the Conference of the Parties and, in the light of recommendations received subsequently which had financial implications, the addendum had been prepared to update the figures. He stressed that, because the budget was closely related to the programme of work, it was important to realize that any changes to either one of them would directly affect the other.

156. During the discussion of the item, statements were made by representatives of the following countries: India, Japan and Republic of Korea.

157. At the 3rd plenary session, on 7 November 1995, the President announced the establishment of an open-ended contact group on the budget, chaired by Vice-President Peter Unwin (United Kingdom).

158. At its 4th plenary session, on 17 November 1995, the Chairman invited Mr. Peter Unwin, Vice-President and Chairman of the open-ended contact group on budget and programme of work, to present draft decision UNEP/CBD/COP/2/L.6 on financing of, and budget for, the Convention.

159. At the same session, the Conference of the Parties adopted decision II/20 entitled "Financing of and Budget for the Convention". The text of the decision is contained in annex II to the present report.

160. After the adoption of the draft decision, the representative of Brazil expressed regret that a consensus had not been reached on the pending issues of the financial rules of the Trust Fund of the Convention and reiterated the position of his delegation as expressed during the first meeting of the Conference of the Parties, held in Nassau, regarding the scale of assessment of Parties for the budget of the Convention.

AGENDA ITEM 12: REPORT ON THE CREDENTIALS OF REPRESENTATIVES TO THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES

161. Rule 19 of the rules of procedure of the Conference of the Parties provides that "the Bureau of any meeting shall examine the credentials and submit its report to the Conference of the Parties for decision". At the 3rd plenary session, on 7 November 1995, the President announced that the Bureau had established a Credentials Committee, chaired by Vice-President A.K. Ahuja (India), with the following members: Belarus, Colombia, United Kingdom and Zimbabwe.

162. At the 5th meeting of the Committee of the Whole, on 9 November 1995, the Chair of the Credentials Committee announced that the Committee had examined the credentials of 70 Parties that had ratified the Convention and had found them to be in order. The credentials of four Parties had been received and found not to be in order. The Chair said that the representatives of those four Parties would be contacted directly. In that connection, she drew attention to rule 18 of the rules of procedure, which states "The credentials shall be issued either by the Head of State or Government or by the Minister for Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization". She added that the credentials of 50 Parties had not yet been received and urged those Parties to submit their credentials to the Committee as early as possible.

163. At the 4th plenary session, on 17 November 1995, the Chair of the Credentials Committee presented the report on credentials. She stated that, in accordance with its mandate, the Credentials Committee had examined the credentials of Parties and had found 102 credentials to be in order. Six credentials had not been received. The plenary endorsed the report on credentials and entrusted the President to contact in writing the six Parties for which credentials had not been received to urge them to send their credentials before 1 December 1995.

AGENDA ITEM 13: VENUE AND DATE OF THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES

164. At the 4th plenary session, on 17 November 1995, the President introduced this agenda item and drew attention to draft decision UNEP/CBD/COP/2/L.7/Rev.1, submitted by the Group of 77 and China.

165. Following the adoption of the decision, the representative of Argentina expressed his country's gratitude that the Conference of the Parties had accepted its invitation to host the third meeting.

AGENDA ITEM 14: OTHER MATTERS

166. At its 4th plenary session, on 17 November 1995, the Conference of the Parties considered the draft decision submitted by the Philippines on behalf of the Group of 77 and China contained in document UNEP/CBD/COP/2/L.4 "Convening of regional meetings for developing country Parties". After oral amendments, the Conference of the Parties adopted the decision II/22 "Convening of regional and subregional meetings for Parties to the Convention". The text of the decision is contained in annex II.

167. At the tenth meeting of the Committee of the Whole, on 16 November, the representative of Saint Lucia announced the offer of his country to host the second meeting of the Latin America and Caribbean region preparatory to the third meeting of the Conference of the Parties.

AGENDA ITEM 15: ADOPTION OF THE REPORT

168. At its 4th plenary session, on 17 November 1995, the second meeting of the Conference of the Parties adopted its report on the basis of documents UNEP/CBD/COP/2/L.1 and Corr.1, and UNEP/CBD/COP/2/L.1/Add.1 - Add.3. The report was adopted on the understanding that the Rapporteur would be entrusted with the finalization of the last part of the report of the meeting.

AGENDA ITEM 16: CLOSURE OF THE MEETING

169. At its 4th plenary session, on 17 November 1995, the Conference of the Parties adopted, by acclamation, a decision, proposed orally by the representative of Australia on behalf of the participants in the meeting, entitled "Tribute to the Government of the Republic of Indonesia". The text of that decision II/23 is contained in annex II to the present report.

170. After his closing statement, the President declared the second meeting of the Conference of the Parties to the Convention on Biological Diversity closed.

ANNEX I

REPORT OF THE MINISTERIAL SEGMENT OF THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES

1. The Ministerial Segment of the second meeting of the Conference of the Parties to the Convention on Biological Diversity was held on 14 and 15 November 1995.

2. At the opening ceremony of the meeting, at 9.00 a.m. on Tuesday 14 November 1995, on the occasion of the twentieth anniversary of the International Year of Youth, proclaimed for 1975, Daniel Mills, age 13 (United Kingdom), whose painting had been selected for the poster for the International Day on Biodiversity and issued by the Secretariat of the Convention, addressed the meeting on behalf of the young generation of the North.

3. Daniel explained that he had been invited to address the meeting as a result of his painting, entitled "Confrontation". Confrontation was important in Man's use of his planet. It seemed as if Man could not live without harming something. Some people said Man could use the Earth, because it was his home. But to misuse the world was wrong and, ultimately, suicidal. We needed to leave as much as we could for the future. We could not tell what uses any, or all, of the three billion other species might have in the future, and we had many present dependencies. Even the most irritating pest might have a use. Because of Man's dominance and power, his actions affected the whole planet and those effects were now large enough to cause massive global damage. It was important to at least discover how everything fitted together before endangering it. When a species became extinct, that meant that it would never return. We had to stop regarding the Earth as an endless resource to be exploited at will and we had to be prepared to make adjustments and even sacrifices in our way of life. Any effort to protect nature and, in doing so, ourselves had to be worldwide. One country's waste was now another's problem. And if even one country were to ignore the problems, any attempt at protection would be impossible.

4. On behalf of the young generation of the South, a message was addressed to the meeting by Arita Diana Sumutki, age 11 (Indonesia), who began by asking some questions about how her environment would be when she had reached the age of 25. Would the rich countries be richer and the poor countries poorer? Would there be enough food for everyone? Would health services improve and people live longer and fewer babies die from disease, malnutrition and the effects of poverty? Would there be plenty of fresh water? Would there be fresh air to breathe? Would any natural environments remain? Would many species of birds, insects and animals have become endangered or extinct? Would environmental problems be the cause of international strife and war? The answers to those questions, she said, were in the hands of those present. No country could survive on its own: all were interdependent. The decisions that were going to be taken would influence how people behaved and used the natural resources they had inherited. If people did not work together, and if they continued to be greedy, then what resources would be left for her generation? She said she wanted to promise that the planet her generation would leave to its children would be as rich in natural resources and as beautiful as when she, as an adult, had taken responsibility for it. She hoped children all over the world could count on those present to do the same.

5. In his opening address, Mr. Sarwono Kusumaatmadja, State Minister for the Environment of the Republic of Indonesia, in his capacity as President of the second meeting of the Conference of the Parties to the Convention on Biological Diversity, welcomed the Vice-President of the Republic of Indonesia to the Opening Ceremony and gave a progress report on the work of the meeting. The Conference, he said, had a special meaning for all people, since biodiversity in all its manifestations played an essential role in achieving a higher quality of life for all people throughout the world.

6. Ms. Elizabeth Dowdeswell, Executive Director of the United Nations Environment Programme (UNEP), expressed her gratitude to the Government and people of Indonesia for their efforts in preparing for the Conference, and for the hospitality with which the participants had been welcomed.

7. As in Aesop's fable of the goose that laid the golden eggs, she said, which its owners had killed in order to seize all the gold at once, only to find that there was no gold inside and no more eggs to be had, humankind was gradually killing off the biological resources that provided wealth and prosperity for the current and future generations. This destruction was exemplified by vanishing forests, declining fisheries and falls in the numbers of birds and amphibians, and resulted from a refusal to acknowledge that human welfare depended on the proper functioning of the natural world. The picture was a sombre but not a hopeless one, and the Convention was a key instrument in halting the senseless destruction of life on Earth. To those States which had ratified the Convention, she gave her congratulations, to the others she expressed the hope that they would do so without delay.

8. The Convention had to be focused and paced if it was to be executed well and fully. Action had to be based on firm scientific and intellectual foundations. After a very rapid overview of UNEP's activities in support of the Convention, she recalled that the UNEP Governing Council at its eighteenth session had endorsed the Parties' decision to invite UNEP to provide the Secretariat, and that UNEP had provided bridge financing for the first half of 1995 in order to maintain momentum. She thanked those States which had already met their financial commitments under the Convention and called on the remainder to do so in order to ensure expeditious implementation of a heavy programme of work.

9. While there was a certain formalism to international negotiations, she said, the eloquence of young people made the issues more poignant. While science told the Parties what they could do, it was ethics that told them what they must do.

10. His Excellency Mr. Try Sutrisno, Vice-President of the Republic of Indonesia, said he appreciated the honour done to the people and Government of Indonesia, who were currently celebrating the fiftieth anniversary of their independence, by allowing them to host the second meeting of the Conference of the Parties to the Convention on Biological Diversity. He also welcomed the theme chosen for the meeting, namely, biological diversity for the equitable welfare of the entire human race. As inhabitants of planet Earth, the peoples of all countries should share equally and fairly the duty and responsibility for the utilization and conservation of biological diversity, as a contribution to the establishment of a more balanced and fairer world order, based on mutual respect and mutual benefit. The development of biotechnology for biological resources would bring greater benefits and raise the prosperity of peoples but must not be allowed to damage the ecosystem or harm human health or the health of other living beings. He was pleased to learn that the meeting would discuss the utilization and conservation of biological resources in forest areas, coastal areas and in the sea, all of which might be endangered by rapid development activities. He declared officially open the second meeting of the Conference of the Parties to the Convention on Biological Diversity.

11. Statements were made by the following countries: Algeria, Argentina, Australia, Austria, Bahamas, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Chile, China, Colombia, Denmark, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Germany, Ghana, India, Indonesia, Israel, Japan, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Madagascar, Malawi, Malaysia, Mauritius, Monaco, Mongolia, Morocco, Myanmar, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Papua New Guinea, Peru, Philippines (also on behalf of the Group of 77 and China), Poland, Republic of Korea, Russian Federation, Rwanda, Samoa, Senegal, Seychelles, Slovakia, South Africa, Spain (on behalf of the European Union), Sri Lanka, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Zimbabwe.

12. Statements were also made by representatives of the following United Nations bodies and specialized agencies: Food and Agriculture Organization of the United Nations (FAO), United Nations Commission on Sustainable Development (CSD), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Bank, Consultative Group on International Agricultural Research (CGIAR).

13. Representatives of the following intergovernmental organizations also spoke: Alliance of Small Island States (AOSIS), European Community, South Pacific Forum of Nations.

14. At the conclusion of the Ministerial Segment of the meeting, the Ministers adopted the Jakarta Ministerial Statement on the Implementation of the Convention on Biological Diversity contained in the Appendix to this report.

Appendix

THE JAKARTA MINISTERIAL STATEMENT ON THE IMPLEMENTATION OF THE CONVENTION ON BIOLOGICAL DIVERSITY

WE, THE MINISTERS PARTICIPATING IN THE MINISTERIAL SEGMENT OF THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY, HELD IN JAKARTA, INDONESIA, ON 14 AND 15 NOVEMBER 1995;

1. REALIZE that biological diversity that comprises variability of genes, species and ecosystems is the world's most valuable resource for the sustainability and welfare of all humankind;

2. NOTE that this second meeting of the Conference of the Parties coincides with the commemoration of the fiftieth anniversary of the Republic of Indonesia's independence and of the creation of the United Nations Organization, and RECOGNIZE that such a historic moment offers an unequalled opportunity to further strengthen multilateral cooperation for promoting the objectives of the Convention on Biological Diversity for the benefit of present and future generations;

3. REAFFIRM the Convention as the legal instrument to advance the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the use of genetic resources;

4. REGARD the Convention as a treaty with a global vision based on common concern and mutual assistance, recognition and articulation of national sovereignty over their own biological resources, particularly genetic resources, and recognition of national responsibility for conservation of biological diversity and for using biological resources sustainably and for creating conditions to facilitate access to genetic resources;

5. FURTHER RECOGNIZE that the Convention is based on mutual reliance and fair and equitable sharing of benefits for the prosperity of humankind;

6. REAFFIRM that, by becoming Parties to the Convention, our Governments have committed themselves to the Convention's objectives and its provisions;

7. REAFFIRM the Convention as a global partnership, based on mutual assistance and international cooperation to achieve the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, for the benefit of present and future generations;

8. REAFFIRM ALSO that the second meeting of the Conference of the Parties to the Convention on Biological Diversity provides the momentum for global agreement relating to the implementation of Article 19, paragraph 3, of the Convention on the consideration of the need for and modalities of a protocol on the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity;

9. RECOGNIZE the urgency of the task we face, and the individual and collective responsibilities of Parties to the Convention for the implementation of biological diversity conservation, sustainable use and sharing of benefits for the equitable welfare of all people;

10. AWARE of the need for more information and knowledge regarding biological diversity at all levels, and the need to implant the value of biological diversity in the minds and hearts of all people, STRESS the importance of promoting education on biological diversity at all levels of formal and non-formal education systems;

11. FURTHER REAFFIRM the importance of the clearing-house mechanism for technical and scientific cooperation in support of the implementation of the Convention at national level and emphasize the need for its accessibility to all countries;

12. ENCOURAGE the Convention, through its relevant organs, to strengthen relationships with other relevant conventions and processes, including the Commission on Sustainable Development and its Intergovernmental Panel on Forests;

13. WELCOME the establishment of a position within the Secretariat of the Convention on Biological Diversity on all issues pertaining to the implementation of Article 8(j) of the Convention related to indigenous and local communities;

14. REAFFIRM that there is a critical need for the Conference of the Parties to address the conservation and sustainable use of marine and coastal biological diversity, and urge Parties to initiate immediate action to implement the decisions adopted on this issue. In this context, WELCOME the commitment of the Government of the Republic of Indonesia to play a major role in facilitating such implementation at the global and regional level and the declaration by the Conference of the Parties of the new global consensus on the importance of marine and coastal biological diversity as the "Jakarta Mandate on Marine and Coastal Biological Diversity";

15. FURTHER ENCOURAGE the Conference of the Parties, through its relevant organs, to actively assist Parties to fulfill their obligations, especially through cooperation, collaboration and partnership;

16. URGE the international community to continue to take action and make every effort to assist developing countries to build their own institutional capacity, including human resource development, to conserve and use sustainable biological diversity including through *in-situ* and *ex-situ* conservation and to facilitate the transfer of technology in accordance with the provisions of the Convention;

17. URGE States involved in nuclear testing to take note of the views put forward by a significant number of Parties expressing their strong concern over the impacts of nuclear testing on biodiversity, in particular to the coastal and marine ecosystems and CALL on these States to cease nuclear testing and to conclude a comprehensive test ban treaty in 1996;

18. URGE States that have not yet done so to ratify or accede to the Convention and to begin implementing the Convention on Biological Diversity;

19. CALL UPON all Governments and the citizens of our planet to celebrate the International Day for Biological Diversity on 29 December, reflecting our individual and joint responsibility for conserving and using biological diversity sustainably;

20. DECLARE that our Governments will continue to spare no effort in undertaking to fulfil the provisions of the Convention for the benefit of life on Earth, for present and future generations.

ANNEX II

TEXTS OF THE DECISIONS ADOPTED BY THE SECOND MEETING OF THE CONFERENCE OF THE PARTIES

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Decision II/1: REPORT OF THE FIRST MEETING OF THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

The Conference of the Parties,

1. *Takes note* of the report of the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held at the headquarters of the United Nations Educational, Scientific and Cultural Organization in Paris from 4 to 8 September 1995, contained in document UNEP/CBD/COP/2/5;

2. *Endorses* recommendation I/1 on the *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice;

3. *Requests* the Subsidiary Body on Scientific, Technical and Technological Advice to keep under review its *modus operandi* with a view to improving its functioning on the basis of experience gained;

4. *Endorses also* recommendation I/6 on the global biodiversity outlook and decides that the outlook should be financed through voluntary contributions;

5. *Calls upon* the international community to make contributions for the preparation and publication of the first global biodiversity outlook, to be issued in 1997;

6. *Further requests* the second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, in considering its programme of work for 1996, to ensure that the programme is based on the priorities set in the programme of work of the Conference of the Parties for 1996 and 1997, as contained in decision II/18, and specific requests to the Subsidiary Body on Scientific, Technical and Technological Advice, contained in other decisions of the second meeting of the Conference of the Parties.

Decision II/2: PUBLICATION AND DISTRIBUTION OF SCIENTIFIC AND TECHNICAL INFORMATION

The Conference of the Parties,

Noting the importance of scientific and technical work being undertaken by other international and intergovernmental organizations to the medium-term programme of work;

Aware that such inputs have already contributed to advancing the work of the Subsidiary Body on Scientific, Technical and Technological Advice;

Requests the Executive Secretary, in consultation with the Bureau of the Subsidiary Body, to identify and mobilize, for publication and distribution, scientific and technical information of relevance to the medium-term programme of work, recognizing the limitations of the budget.

Decision II/3: CLEARING-HOUSE MECHANISM

The Conference of the Parties,

1. *Takes note* of the document prepared by the Secretariat on the establishment of the clearing-house mechanism to promote and facilitate technical and scientific cooperation (document UNEP/CBD/COP/2/6);

2. *Notes* that many information systems and activities relevant to the objectives of the Convention have been and are being established at international, subregional, regional and national levels;

3. *Notes* that the enhanced cooperation between these information systems and activities will contribute to capacity-building, and notes that, in this context, the role of the Secretariat is to promote and facilitate access to this clearing-house mechanism;

4. *Decides*, as a contribution to the implementation of the objectives of the Convention, that the clearing-house mechanism, established by decision I/3 adopted at its first meeting in accordance with Article 18, paragraph 3 of the Convention, should be developed:

(a) Starting with a pilot phase for 1996-1997;

(b) Through specific and focused areas of activities related to the promotion of international technical and scientific cooperation;

(c) By gradually building up its functions in response to clear and identified demand based on experience gained and resources available;

(d) In a neutral, transparent, cost-effective, efficient and accessible manner;

(e) As a decentralized mechanism using such resources as print and electronic media, including the Internet;

(f) By making full use of existing facilities, which will avoid any duplication or overlap of activities and allow for the early implementation of the mechanism;

(g) In close cooperation with relevant international organizations and entities as active partners in the clearing-house mechanism to maximize the existing experience and expertise;

(h) By enhancing networking between existing national, regional, subregional and international centres of relevant expertise, as well as governmental and non-governmental institutions and the private sector;

5. *Decides also* that, during the pilot phase for 1996-1997, the Secretariat should act as a focal point and should:

(a) Encourage the development of a network of active partners, such as those specified in 4(h). These partners should focus initially on:

(i) developing national capabilities through exchanging and disseminating information on the experiences and lessons learned by Parties on the implementation of the Convention. This can be done through guidelines, training programmes, seminars, workshops, where appropriate, and upon request, and by using the clearing-house mechanism;

(ii) facilitating access to and dissemination of research relevant to the objectives of the Convention;

(iii) facilitating the transfer of technology through exchanging and disseminating information on experiences and technologies relevant to the conservation and sustainable use of biological diversity;

(b) Provide information on and facilitate access to these operating active partners;

(c) Support the active partners to develop specific training for the effective participation of users in the clearing-house network;

6. (a) *Decides also* to provide funding for the pilot phase through the budget of the Convention;

(b) *Calls also* upon the international community to make additional voluntary contributions for the implementation of the pilot phase;

7. *Takes note* of the designation by Parties of their national focal point for the clearing-house mechanism (document UNEP/CBD/COP/2/Inf.5) and calls upon those who have not designated their focal point to do so, where appropriate, as soon as possible, and no later than February 1996;

8. *Invites* all relevant international, regional, subregional and national organizations and entities willing to offer their cooperation as active partners in the operation of the clearing-house mechanism to communicate the details of their offer and requests the Executive Secretary of the Secretariat to enter into collaborative arrangements and to report to its third meeting on the results of such arrangements;

9. *Requests* the Global Environment Facility to explore the modalities of providing support through the financial mechanism to developing country Parties for capacity-building in relation to the operation of the clearing-house mechanism and report to the Conference of the Parties at its third meeting;

10. *Decides* to review the implementation of the pilot phase of the clearing-house mechanism at its third meeting and requests the Executive Secretary to submit a progress report;

11. *Decides* also to review the implementation of the pilot phase at its fourth meeting and requests the Subsidiary Body on Scientific, Technical and Technological Advice to provide scientific and technical advice.

Decision II/4: WAYS AND MEANS TO PROMOTE AND FACILITATE ACCESS TO, AND TRANSFER AND DEVELOPMENT OF TECHNOLOGY

The Conference of the Parties,

1. *Takes note* of recommendation I/4 on ways and means to promote and facilitate access to, and transfer and development of technology as envisaged in Articles 16 and 18 of the Convention, adopted by the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held in Paris, at the headquarters of the United Nations Educational, Scientific and Cultural Organization, from 4 to 8 September 1995;

2. *Endorses* paragraph 1(d) of recommendation I/4, requesting the Executive Secretary to prepare, for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice at its second meeting, a substantive and well-focused background document, taking into account the views expressed by States Parties and observers during the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, the first and second meetings of the Conference of the Parties, including those decisions related to the clearing-house mechanism, and the deliberations of the first and second sessions of the Intergovernmental Committee on the Convention on Biological Diversity, and of the open-ended Intergovernmental Meeting of Scientific Experts on Biological Diversity, held in Mexico in April 1994, including its annexed UNEP Expert Panel Reports I to IV. Such a background document should consider the importance of biotechnology to the conservation and sustainable use of biological diversity, especially to developing countries, as well as the enabling roles of capacity-building and the provision of adequate financial resources;

3. *Endorses also* paragraph 1(e) of recommendation I/4, requesting the Executive Secretary to invite relevant submissions by States Parties, observers and relevant international and non-governmental organizations, including, in particular, the Commission on Sustainable Development and the private sector and to take these into account in the preparation of the background document. The document should also take due cognisance of regional and subregional inputs and comments. The background document should identify key priority issues relating to opportunities for and obstacles to the transfer of technology for consideration by the Subsidiary Body on Scientific, Technical and Technological Advice;

4. *Requests* the second meeting of the Subsidiary Body on Scientific, Technical and Technological Advice to submit a detailed report to the third meeting of the Conference of the Parties.

Decision II/5: CONSIDERATION OF THE NEED FOR AND MODALITIES OF A PROTOCOL FOR THE SAFE TRANSFER, HANDLING AND USE OF LIVING MODIFIED ORGANISMS

The Conference of the Parties,

Recalling Article 19, paragraph 3, of the Convention on Biological Diversity,

Recognizing the link between paragraphs 3 and 4 of Article 19,

Recognizing also the link between Articles 8(g) and 19, paragraph 3,

Recalling its decision I/9 made at its first meeting, held in Nassau, Bahamas, from 28 November to 9 December 1994,

Having considered the report and recommendations prepared for its second meeting by the Open-ended Ad Hoc Group of Experts on Biosafety, which met in Madrid from 24-28 July 1995,

Recognizing that modern biotechnology has great potential for human well-being if developed and used with adequate safety measures for the environment and human health,

Recognizing also that, although considerable knowledge has accumulated, significant gaps in knowledge have been identified, specifically in the field of interaction between living modified organisms (LMOs) resulting from modern biotechnology and the environment, taking into account the relatively short period of experience with releases of such organisms, the relatively small number of species and traits used, and the lack of experience in the range of environments, specifically those in centres of origin and genetic diversity,

Noting that there is a need for further analysis of existing national, regional and international regulations and legally binding instruments of relevance to the impact of LMOs on the conservation and sustainable use of biological diversity,

Affirming that international action on biosafety should offer an efficient and effective framework for the development of international cooperation aimed at ensuring safety in biotechnology through effective risk assessment and risk management for the transfer, handling and use of any LMO resulting from modern biotechnology that may have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking into account the risks to human health, and taking also into account Articles 8(g) and 19, paragraph 4, of the Convention,

Considering that, although there are existing international agreements of relevance to the impact of LMOs resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity, none of these specifically address the transboundary movements of such LMOs, and therefore there is an urgent need to give attention to this issue,

Taking into account that the large majority of delegations present at the meeting of the Open-ended Ad Hoc Group of Experts on Biosafety favoured the development, within the context of an international framework for safety in biotechnology, of a protocol on biosafety under the Convention on Biological Diversity,

Stressing the importance of the urgent finalization of the United Nations Environment Programme International Technical Guidelines on Safety in Biotechnology and that this could contribute

to the development and implementation of a protocol on biosafety, but noting that this does not prejudice the development and conclusion of such a protocol,

Noting that guidelines on biosafety, including the proposed United Nations Environment Programme International Technical Guidelines on Safety in Biotechnology, may be used as an interim mechanism during the development of the protocol and to complement it after its completion, for the purposes of facilitating the development of national capacities to assess and manage risks, establish adequate information systems and develop expert human resources in biotechnology,

1. *Decides* to seek solution to the above-mentioned concerns through a negotiation process to develop, in the field of the safe transfer, handling and use of living modified organisms, a protocol on biosafety, specifically focusing on transboundary movement, of any living modified organism resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity, setting out for consideration, in particular, appropriate procedure for advance informed agreement;

2. *Decides* to establish an Open-ended Ad Hoc Working Group under the Conference of the Parties which shall operate in accordance with the terms of reference in the annex to this decision;

3. *Requests* the Executive Secretary of the Convention to make the necessary arrangements for the Open-ended Ad Hoc Working Group to meet as soon as possible, at least once before the next meeting of the Conference of the Parties.

Annex to decision II/5

TERMS OF REFERENCE FOR THE OPEN-ENDED AD HOC WORKING GROUP

1. The Open-ended Ad Hoc Working Group should be composed of representatives, including experts, nominated by Governments and regional economic integration organizations.

2. The Open-ended Ad hoc Working Group shall, in accordance with operative paragraph 1 of the present decision:

(a) elaborate, as a priority, the modalities and elements of a protocol based on appropriate elements from Sections I, II and III, paragraph 18 (a), of Annex I of the report of the Open-ended Ad Hoc Group of Experts on Biosafety;

(b) consider the inclusion of the elements from Section III, paragraph 18 (b), and other elements, as appropriate;

3. The development of the draft protocol shall, as a priority:

(a) elaborate the key concepts and terms that are to be addressed in the process;

(b) include consideration of the form and scope of advance informed agreement procedures;

(c) identify relevant categories of LMOs resulting from modern biotechnology.

4. The protocol will have to reflect that its effective functioning requires that Parties establish or maintain national measures, but the absence of such national measures should not prejudice the development, implementation and scope of the protocol.

5. The protocol will take into account the principles enshrined in the Rio Declaration on Environment and Development and, in particular, the precautionary approach contained in Principle 15 and will:

(a) not exceed the scope of the Convention;

(b) not override or duplicate any other international legal instrument in this area;

(c) provide for a review mechanism;

(d) be efficient and effective and seek to minimize unnecessary negative impacts on biotechnology research and development and not to hinder unduly access to and transfer of technology.

6. The provisions of the Convention will apply to the protocol.

7. The process will take into full account the gaps in the existing legal framework identified through analysis of existing national and international legislation.

8. The process shall be guided by the need for all Parties to cooperate in good faith and to participate fully, with a view to the largest possible number of Parties to the Convention ratifying the protocol.

9. The process will be carried out on the basis of the best available scientific knowledge and experience, as well as other relevant information.

10. The process of developing a protocol should be conducted as a matter of urgency by an open-ended ad hoc group, which will report on progress to each subsequent meeting of the Conference of the Parties. The Open-ended Ad Hoc Working Group should endeavour to complete its work in 1998.

Decision II/6: FINANCIAL RESOURCES AND MECHANISM

The Conference of the Parties,

Taking note of the information provided by the reports contained in documents UNEP/CBD/COP/2/9 and UNEP/CBD/COP/2/8 and the collaboration between the Secretariat of the Convention and the Secretariat of the restructured Global Environment Facility,

1. *Decides* that the restructured Global Environment Facility shall continue to serve as the institutional structure to operate the financial mechanism under the Convention on an interim basis, in accordance with Article 39 of the Convention, until a decision will be taken on which institutional structure is to be designated in accordance with Article 21 of the Convention. The Conference of the Parties shall endeavour to make such a decision at its third meeting;

2. *Decides* to undertake the first review of the effectiveness of the financial mechanism at its fourth meeting in 1997 and a review every three years. The first review will be carried out within the basic approach described in document UNEP/CBD/COP/2/9;

3. *Requests* the Executive Secretary to further develop guidelines of the review for consideration and decision by the Conference of the Parties at its third meeting, taking into account comments made by participants at its second meeting and/or provided by Parties in writing to the Secretariat not later than the end of February 1996;

4. *Takes note* of the draft "Memorandum of Understanding Between the Conference of the Parties to the Convention on Biological Diversity and the Council of the Global Environment Facility Regarding the Institutional Structure Operating the Financial Mechanism of the Convention", jointly prepared by the Secretariats of the Convention and the restructured Global Environment Facility, and requests the Secretariat of the Convention to continue consultations on the draft Memorandum of Understanding, in order to ensure that comments by Parties are reflected, and to submit a revised draft Memorandum of Understanding for consideration and decision by the Conference of the Parties at its third meeting;

5. *Requests* the interim institutional structure operating the financial mechanism to facilitate urgent implementation of Article 6 of the Convention by availing to developing country Parties financial resources for projects in a flexible and expeditious manner;

6. *Requests* the interim institutional structure to incorporate fully, on an ongoing basis, guidance from the Conference of the Parties into the further development of the Operational Strategy and programmes to ensure that the objectives of the Convention are addressed. The Conference of the Parties requests the Global Environment Facility to take the following comments into account when preparing the report to be submitted to the third meeting of the Conference of the Parties:

(a) Detailed information should be provided on the conformity of the approved work programmes with the guidance of the Conference of the Parties;

(b) A list of projects submitted by eligible country Parties and information on their status should be included;

7. *Takes note* of the recently adopted revised project cycle and the Operational Strategy which are anticipated to contribute to more timely approval and implementation of projects, and further requests the Global Environment Facility to take any additional appropriate steps to expedite the project preparation and approval process with a view to implementing fully the guidance of the Conference of

the Parties contained in Annex I to decision I/2 on financial resources and mechanism entitled "Policy, strategy, programme priorities and eligibility criteria for access to and utilization of financial resources" (UNEP/CBD/COP/1/17);

8. *Requests* participation of a representative of the Subsidiary Body on Scientific, Technical and Technological Advice of the Convention and of the Scientific and Technical Advisory Panel of the Global Environment Facility in respective meetings of the Subsidiary Body on Scientific, Technical and Technological Advice and the Scientific and Technical Advisory Panel on a reciprocal basis, as provided for in the *modus operandi* of the Subsidiary Body on Scientific, Technical and Technological Advice and in the terms of reference of the Scientific and Technical Advisory Panel;

9. *Requests* the Executive Secretary to:

(a) Further explore possibilities to identify additional financial resources to support the objectives of the Convention;

(b) Continue to monitor the availability of additional financial resources and further identify where and how country Parties might gain access to these resources;

(c) Study characteristics specific to biodiversity activities to allow the Conference of the Parties to make suggestions to funding institutions on how to make their activities in the area of biodiversity more supportive of the Convention;

10. *Recommends*, for more effective implementation of its policies, strategies and programme priorities, that the Global Environment Facility explore the possibility of promoting diverse forms of public involvement and more effective collaboration between all tiers of government and civil society, including the feasibility of a programme of grants for medium-sized projects. Such exploration should take into account the eligibility criteria set out by the Conference of the Parties in Annex I to decision I/2 on financial resources and mechanism, contained in document UNEP/CBD/COP/1/17;

11. *Requests* the interim institutional structure to implement the relevant provisions of the following decisions: II/3 on clearing-house mechanism, II/7 on consideration of Articles 6 and 8 of the Convention, II/8 on preliminary consideration of components of biological diversity particularly under threat and action which could be taken under the Convention, and II/17 on form and intervals of national reports by Parties;

12. *Requests* the Executive Secretary to present a report to the Conference of the Parties at its third meeting on the implementation of the present decision.

Decision II/7: CONSIDERATION OF ARTICLES 6 AND 8 OF THE CONVENTION

The Conference of the Parties,

Mindful of the crucial importance of the provisions of Articles 6 and 8 in the fulfillment of the objectives of the Convention,

1. *Urges* all Parties and Governments and other interested stakeholders to exchange relevant information and share experience on measures taken for the implementation of Articles 6 and 8;

2. *Stresses* the importance of regional and international cooperation for the implementation of Articles 6 and 8 of the Convention;

3. *Requests* the Executive Secretary to make available through the clearing-house mechanism such information and lessons drawn from national experience and also to make available relevant information on the implementation of Articles 6 and 8 contained in national reports submitted by Parties in accordance with Article 26 of the Convention as well as decision II/17 adopted at its second meeting;

4. *Further requests* the Executive Secretary:

(a) To compile and disseminate that information as widely as possible, including experience of relevant conventions, United Nations bodies and intergovernmental and nongovernmental organizations in dealing with the provisions of Articles 6 and 8;

(b) To prepare, on the basis of available information, suggestions on how the collection and sharing of relevant information and experience might be enhanced;

5. *Encourages* Parties, in preparing and implementing their national strategies and action plans, to collaborate with relevant organizations and, if so desired, to take into consideration existing guidelines such as "National Biodiversity Planning" published by the United Nations Environment Programme, the World Resources Institute and the World Conservation Union (IUCN);

6. *Emphasizes* the importance of capacity-building as well as the availability of adequate financial resources to assist Parties in the implementation of Articles 6 and 8 of the Convention, and in this context requests the interim financial mechanism under the Convention to facilitate urgent implementation of Articles 6 and 8 of the Convention by availing to developing country Parties financial resources for projects in a flexible and expeditious manner;

7. *Also requests* the Executive Secretary to present to it a report on the implementation of this decision for consideration at its third meeting.

Decision II/8: PRELIMINARY CONSIDERATION OF COMPONENTS OF BIOLOGICAL DIVERSITY PARTICULARLY UNDER THREAT AND ACTION WHICH COULD BE TAKEN UNDER THE CONVENTION

The Conference of the Parties,

1. *Reaffirms* that the conservation and sustainable use of biological diversity and its components should be addressed in a holistic manner, taking into account the three levels of biological diversity and fully considering socio-economic and cultural factors. However, the ecosystem approach should be the primary framework of action to be taken under the Convention;

2. *Endorses* paragraphs 2, 4 and 5 of recommendation I/3 on preliminary consideration of components of biological diversity that are particularly under threat and the action that could be taken under the Convention, adopted by the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held in Paris, at the headquarters of the United Nations Educational, Scientific and Cultural Organization, from 4 to 8 September 1995;

3. *Stresses* that, as reflected in paragraph 3 of recommendation I/3, it is essential to identify the driving forces determining the status and trends of components of biological diversity, so that appropriate action can be taken to control them;

4. *Stresses* also the importance of making full use of existing knowledge and available expertise;

5. *Emphasizes* the need for capacity-building as well as adequate financial resources for the implementation of the tasks identified in this decision;

6.(i) *Encourages* Parties, as part of their first national report which will focus particularly on Article 6, to identify priority issues specifically related to those components of biological diversity under threat, based upon paragraphs 1, 2, 4 and 5 of recommendation I/3 of the report of the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice to the second meeting of the Conference of the Parties;

(ii) *Requests* the Executive Secretary to prepare a paper which identifies issues of common concern in the context of examining the national reports;

(iii) *Directs* the Subsidiary Body on Scientific, Technical and Technological Advice to consider the findings of the Executive Secretary's paper and to identify possible options for actions to be considered by the Conference of the Parties;

7. *Further requests* the Subsidiary Body at its second meeting to address the issue of the lack of taxonomists, who would be needed for the national implementation of the Convention, and to advise the Conference of the Parties at its third meeting on ways and means to overcome this problem, taking into account existing studies and ongoing initiatives while adopting a more practical direction of taxonomy linked to bio-prospecting and ecological research on conservation and sustainable use of biological diversity and its components.

Decision II/9: FORESTS AND BIOLOGICAL DIVERSITY

The Conference of the Parties,

1. *Decides* to invite its President to transmit the Statement contained in the annex to this decision to the Intergovernmental Panel on Forests at its second meeting;

2. *Requests* the Executive Secretary:

(a) To provide advice and information pertaining to the relationship between indigenous and local communities and forests, as invited by the Inter-Agency Task Force of the Intergovernmental Panel on Forests;

(b) To commission and carry out work on forests and biological diversity, with a view to producing a background document on the links between forests and biological diversity in order to consider, at its third meeting, whether further input to the Intergovernmental Panel on Forests is required, and to transmit this document to the Intergovernmental Panel on Forests for information;

(c) To invite all Parties, relevant intergovernmental agencies and bodies to contribute to the preparation of the documents on forests and biological diversity to be prepared by the Executive Secretary, and to welcome the input of other Governments, non-governmental organizations and indigenous and local communities;

3. *Invites* all Parties to include expertise on forest biological diversity in their delegations to the Intergovernmental Panel on Forests;

4. *Invites* the Secretariat of the Intergovernmental Panel on Forests to communicate progress on issues relevant to forests and biological diversity to the third meeting of the Conference of the Parties.

Annex to decision II/9

STATEMENT ON BIOLOGICAL DIVERSITY AND FORESTS FROM THE CONVENTION ON BIOLOGICAL DIVERSITY TO THE INTERGOVERNMENTAL PANEL ON FORESTS

1. The Conference of the Parties to the Convention on Biological Diversity welcomes the decision by the Commission on Sustainable Development to establish an open-ended Intergovernmental Panel on Forests (IPF) to pursue consensus and coordinated proposals for action to support the management, conservation and sustainable development of forests.

2. Wishing to avoid duplication of efforts and coordinate with other relevant organizations on issues of biological diversity, the Conference of the Parties stands ready to contribute to the fulfilment of the mandate of the IPF.

3. Keeping in mind the crucial role of forests in maintaining global biological diversity, the Conference of the Parties wishes to establish a dialogue with the IPF on issues related to forests and biological diversity.

4. Together, tropical, temperate and boreal forests provide the most diverse sets of habitats for plants, animals and micro-organisms, holding the vast majority of the world's terrestrial species. This diversity is the fruit of evolution, but also reflects the combined influence of the physical environment and people.

5. The maintenance of forest ecosystems is crucial to the conservation of biological diversity well beyond their boundaries, and for the key role they play in global climate dynamics and bio-geochemical cycles. Forests provide ecological services and, at the same time, livelihoods or jobs for hundreds of millions of people worldwide.

6. Forest biological diversity results from evolutionary processes over thousands and even millions of years which, in themselves, are driven by ecological forces such as climate, fire, competition and disturbance. Furthermore, the diversity of forest ecosystems (in both physical and biological features) results in high levels of adaptation, a feature of forest ecosystems which is an integral component of their biological diversity. Within specific forest ecosystems, the maintenance of ecological processes is dependent upon the maintenance of their biological diversity. Loss of biological diversity within individual ecosystems can result in lower resilience.

7. Forests are becoming degraded and their biological diversity is being lost. The loss of forest biological diversity is linked to the substantial deforestation, fragmentation and degradation of all types of forests. The reasons for the loss of forest biological diversity are many, both direct and indirect, and the Conference of the Parties takes note of the Terms of Reference of the IPF in this regard. (IPF Agenda item I.2.)

8. Forests and forest biological diversity play important economic, social and cultural roles in the lives of many indigenous and local communities. The Convention on Biological Diversity addresses specifically the need to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity, as well as the need to protect and encourage customary use of biological resources in accordance with traditional cultural practices. It also encourages countries to cooperate in the development and use of indigenous and traditional technologies, and encourages the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices, in pursuance of the objectives of the Convention. Articles 8(j), 10(c) and 18.4 of the Convention provide the general framework for this.

9. In addition, the Convention on Biological Diversity recognizes in Article 15 the sovereign rights of States over their genetic resources and also recognizes that the authority to determine access to these resources rests with the national Governments and is subject to national legislation. It also states that each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of the Convention. Such access, including forest-based genetic resources, shall be subject to prior informed consent by the Party providing such resources and shall be on mutually agreed terms. Measures shall be taken with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the party providing such resources. Such sharing shall be on mutually agreed terms.

10. The Conference of the Parties emphasizes and requests the IPF to acknowledge the need to integrate the conservation and sustainable use of biological diversity into relevant sectoral and cross-sectoral plans, programmes and policies (Convention on Biological Diversity Article 6 (b)). The Conference of the Parties requests the IPF to note that it intends to explore how the conservation and sustainable use of forest biological diversity could be assisted by the establishment of specific environmental goals in the forest and other sectors. The Conference of the Parties also requests the IPF to consider appropriate Environmental Impact Assessment of sectoral activities, plans, programmes and policies with expected negative impact on forest ecosystems (Convention on Biological Diversity Article 14). (IPF Agenda item I.2)

11. The Conference of the Parties notes the mandate of the IPF concerning methods for the proper valuing of the multiple benefits derived from forests. In this context, it requests the IPF to consider the

economic (monetized and non-monetized) benefits, the environmental services and non-consumptive values provided by forest biological diversity, including the important cultural, religious and recreational values of forests. (IPF Agenda items III.1 and IV.1.)

12. The Conference of the Parties recognizes the need to develop and implement methods for sustainable forest management which combine production goals, socio-economic goals of forest-dependent local communities, and environmental goals, particularly those related to biological diversity. Sustainable forest management should ensure that components of biological diversity are used in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs of present and future generations (Convention on Biological Diversity Article 2). Sustainable forest management should take an ecosystem approach and aim at securing forest quality as related to the Convention on Biological Diversity, comprising such elements as forest composition, natural regeneration, patterns of ecosystem variation, ecosystem functions and ecosystem processes over time. Special attention should be paid to components of biological diversity under threat. (IPF Agenda items III.2 and I.5.)

13. *In-situ* forest conservation activities in accordance with Article 8 of the Convention on Biological Diversity, including the establishment and management of protected areas, have an important role to play in the achievement of biological diversity goals for sustainable forest management, and should be integrated in national forest and land-use plans. In this context, the conservation of primary/old-growth and ecologically mature secondary forest ecosystems is of particular importance. All stakeholders, in particular managers, should engage in an open, transparent and participatory decision-making process that can explicitly incorporate the multiple functions of forests and involve all interested parties, including indigenous and local communities. (IPF Agenda item I.1.)

14. The issue of public education and awareness has not been explicitly addressed in the Terms of Reference of the IPF. The importance of education and awareness-raising at all levels of society, including local communities, local and national policy makers, forest managers, and users of forests and forest products, related to the importance of biological diversity, especially those components under threat, should have a high priority in both national and international efforts. (Convention on Biological Diversity Article 13.)

15. More effort on biological diversity is needed in research, training and other capacity-building activities (Convention on Biological Diversity Article 12). Important topics include development of policies, criteria and indicators, methodologies and technologies for sustainable forest management, and the impact of utilization of components of biological diversity, particularly those under threat, on ecological processes. (IPF Agenda items III.1 and III.2.)

16. In response to the invitation of the IPF, the Conference of the Parties has requested its Executive Secretary to provide advice and information pertaining to the relationship between indigenous and local communities and forests. The Conference of the Parties has further requested the Executive Secretary to provide advice and information concerning the contents, work and medium-term programme of work of the Convention relevant to the Terms of Reference of the IPF. Such advice and information will be provided in time for the Panel's third session.

17. The IPF may also receive substantive inputs from the Convention following the third meeting of the Conference of the Parties on, *inter alia*, the underlying causes of biological diversity loss in forest ecosystems, components and dynamics of biological diversity, and ways and means for the effective protection and use of traditional forest-related knowledge, innovations and practices of forest dwellers, indigenous and local communities, as well as fair and equitable sharing of benefits arising from such knowledge, innovations and practices.

Decision II/10: CONSERVATION AND SUSTAINABLE USE OF MARINE AND COASTAL BIOLOGICAL DIVERSITY

The Conference of the Parties,

Recalling that the Conference of the Parties decided to address, at its second meeting, advice from the Subsidiary Body on Scientific, Technical and Technological Advice on the scientific, technical and technological aspects of the conservation and sustainable use of marine and coastal biological diversity,

Being deeply concerned at the serious threats to marine and coastal biological diversity caused by factors including physical alteration, destruction and degradation of habitats, pollution, invasion of alien species, and over-exploitation of living marine and coastal resources,

1. *Takes note* of recommendation I/8 on scientific, technical and technological aspects of the conservation and sustainable use of marine and coastal biological diversity, adopted by the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice, held in Paris at the headquarters of the United Nations Educational, Scientific and Cultural Organization, from 4 to 8 September 1995, and;

(a) *Affirms* that it represents a solid basis for future elaboration of the issues presented;

(b) *Supports* the recommendations in paragraphs 10-19 of recommendation I/8, subject to Annex I of the present decision and its further elaboration by the Subsidiary Body on Scientific, Technical and Technological Advice and the Conference of the Parties;

(c) *Reaffirms* the importance of future work by the Subsidiary Body on Scientific, Technical and Technological Advice to provide a balanced perspective on the remaining issues presented by the recommendations in I/8 and Annex I of the present decision relevant to the conservation and sustainable use of marine and coastal biodiversity;

2. *Encourages the use of* integrated marine and coastal area management as the most suitable framework for addressing human impacts on marine and coastal biological diversity and for promoting conservation and sustainable use of this biodiversity;

3. *Encourages* Parties to establish and/or strengthen, where appropriate, institutional, administrative, and legislative arrangements for the development of integrated management of marine and coastal ecosystems, plans and strategies for marine and coastal areas, and their integration within national development plans;

4. *Takes note* of the recently finalized Food and Agriculture Organization of the United Nations Code of Conduct for Responsible Fisheries, the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and the Washington Declaration and Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, and supports their implementation, including that by Parties, in ways that are consistent with, and conform to, the objectives of the Convention on Biological Diversity;

5. *Welcomes* the International Coral Reef Initiative as a means to address threats to coral reefs and related ecosystems and encourages participation in International Coral Reef Initiative activities to implement its Framework for Action;

6. *Reaffirms* that under Article 25 the Subsidiary Body on Scientific, Technical and Technological Advice is the only scientific, technical and technological authority under the Convention to provide advice to the Conference of the Parties;

7. *Instructs* the Executive Secretary to provide, in accordance with Annex II, the Subsidiary Body on Scientific, Technical and Technological Advice with scientific, technical, and technological advice and options for recommendations to the Conference of the Parties in further elaborating the recommendations contained in recommendation I/8, with the exception of paragraphs 3 and 4;

8. *Offers* the Executive Secretary the following guidance for conducting the work described in paragraph 6:

(a) Solicit input from all Parties and, as appropriate, from other countries and relevant bodies;

(b) Establish, on the basis of country input, a roster of experts with specialization appropriate to the work described in paragraph 6;

(c) The roster will draw upon expertise from scientific, technical, technological, social, management, economic, policy, legal, and indigenous and traditional knowledge;

(d) Convene, as appropriate, meetings of experts, drawn from the roster to support the Secretariat in advancing the work described in paragraph 6. Each meeting shall be for a duration of no longer than five days, and shall be comprised of no more than 15 experts with due regard to geographical representation and to the special conditions of least-developed countries and small island developing States;

9. *Welcomes* the offer from Indonesia to be host country for the first such meeting of Experts on Marine and Coastal Biological Diversity;

10. *Decides* to forward this decision and its annexes to the next session of the Commission on Sustainable Development for its information when considering its review of Agenda 21, chapter 17, on oceans;

11. *Decides* to forward this decision and annexes to the Global Environment Facility, other funding agencies and other relevant international bodies, to be taken into account in considering activities related to the conservation and sustainable use of marine and coastal biological diversity;

12. *Requests* the Executive Secretary, in consultation with the United Nations Office for Ocean Affairs and the Law of the Sea, to undertake a study of the relationship between the Convention on Biological Diversity and the United Nations Convention on the Law of the Sea with regard to the conservation and sustainable use of genetic resources on the deep seabed, with a view to enabling the Subsidiary Body on Scientific, Technical and Technological Advice to address at future meetings, as appropriate, the scientific, technical, and technological issues relating to bio-prospecting of genetic resources on the deep seabed;

13. *Invites* international and regional bodies responsible for legal instruments, agreements and programmes which address activities relevant to the conservation and sustainable use of marine and coastal biodiversity, including the United Nations General Assembly, the Food and Agriculture Organization of the United Nations, the United Nations Environment Programme, the International Maritime Organization, the United Nations Office for Ocean Affairs and the Law of the Sea, the United Nations Educational, Scientific and Cultural Organization including its Intergovernmental Oceanographic Commission, the World Conservation Union (IUCN), the Commission on Sustainable

Development, the International Coral Reef Initiative, regional fisheries bodies, migratory species agreements, secretariats of regional agreements for the conservation of the marine environment and other relevant international and regional organizations and institutions, to review their programmes with a view to improving existing measures and developing new actions which promote conservation and sustainable use of marine biological diversity, taking into account the recommendations for action by the Parties to the Convention on Biological Diversity adopted by the Conference of the Parties at its second meeting, and provide information on their actions on a regular basis to the Conference of the Parties and, in a first instance, as soon as possible through the Executive Secretary. Furthermore, these various institutions are invited to cooperate with the Conference of the Parties through the Subsidiary Body on Scientific, Technical and Technological Advice in planning and implementation of programmes affecting marine and coastal biological diversity, so as to reduce any unnecessary duplication or gaps in coverage;

14. *Decides* to request the Subsidiary Body on Scientific, Technical and Technological Advice to carry out a summary review at its next meeting of the first report from the Executive Secretary and to submit in its report to the Conference of the Parties its recommendation on the work of the Executive Secretary.

Annex I to decision II/10

ADDITIONAL CONCLUSIONS ON RECOMMENDATION I/8 ADOPTED BY THE SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE AT ITS FIRST MEETING (UNEP/CBD/COP/2/5)

(i) Some delegations indicated their concern that paragraphs 10-19 were unbalanced in that they over-emphasized fishery issues, rather than some other issues such as pollution. Other delegations had an interest in highlighting the impacts of unsustainable fishing activities on marine and coastal biodiversity.

(ii) In relation to paragraph 10, crucial components of integrated marine and coastal area management are relevant sectoral activities, such as construction and mining in coastal areas, mariculture, mangrove management, tourism, recreation, fishing practices and land-based activities, including watershed management. Parties should, where appropriate and practical, prevent physical alteration, destruction and degradation of vital habitats and pursue restoration of degraded habitats, including spawning areas, nurseries of stocks of living marine resources, bearing in mind the objectives of the Convention on Biological Diversity and the need to provide a balanced approach to the use and conservation of marine and coastal biological diversity.

(iii) Parties are encouraged to undertake and exchange information on demonstration projects as practical examples of integrated marine and coastal area management.

(iv) In relation to paragraph 11, critical habitats for living marine resources should be an important criterion for the selection of marine and coastal protected areas, within the framework of integrated marine and coastal area management, taking into consideration the objectives of the Convention on Biological Diversity. Conservation measures should emphasize the protection of ecosystem functioning, in addition to protecting specific stocks.

(v) In reference to paragraph 12, the present mono-species approach to modelling and assessment should be augmented by an ecosystem process-oriented approach, based on research of ecosystem processes and functions, with an emphasis on identifying ecologically critical processes that consider the spatial dimension of these processes. Models of ecosystem processes should be developed

through trans-disciplinary scientific groups (ecologists, oceanographers, economists, and fisheries experts) and be applied in the development of sustainable land and coastal resource use practices.

(vi) Paragraph 13 refers to the draft Food and Agriculture Organization of the United Nations Code of Conduct for Responsible Fisheries. The Code was adopted by the 28th session of the Conference of the Food and Agriculture Organization of the United Nations, in October 1995. The Food and Agriculture Organization of the United Nations is now undertaking the development of technical guidelines for the implementation of the Code. The Conference of the Parties can offer the technical expertise of the Subsidiary Body on Scientific, Technical and Technological Advice in the elaboration and implementation of these guidelines, in line with the objectives and provisions of the Convention on Biological Diversity.

(vii) In relation to paragraph 14(a), the inclusion of subsidies was contentious. Some delegates stressed that the issue of subsidies was politically sensitive, with potential trade implications. It was noted that these issues address one of the underlying causes of biological diversity loss, *viz*, the result of over-fishing, and this consideration remained an important recommendation from the report of the Subsidiary Body on Scientific, Technical and Technological Advice. It was also noted that there were a variety of other subsidies which had impacts on the conservation and sustainable use of marine and coastal biological diversity. The Executive Secretary is entitled to evaluate these aspects using a meeting of experts. Some delegations argued that the phrase "subsidies for fisheries" appeared ambiguous. Government subsidies related to fishing activities have a great variety in their modalities. In addition, subsidies should not be evaluated alone. Evaluation of subsidies for fisheries should be conducted in relation to, or in conjunction with, considerations of fisheries management. It would be most appropriate to examine the various existing subsidies in the light of Article 11, which refers to economically and socially sound incentive measures.

(viii) Also, in relation to paragraph 14, cooperation between regional fisheries bodies and regional organizations for protection and conservation of the marine environment should be promoted.

(ix) In relation to paragraph 15, the Parties should enhance and improve the knowledge regarding the genetic structure of the local populations of marine species subjected to stock enhancement and sea-ranching activities. Considering that the captive-bred populations are likely to interact genetically and ecologically with wild populations, this knowledge should be used in the management of breeding stocks according to sound genetic principles that take into account the use of local populations for stock selection, minimum breeding numbers and the renewal frequency of the breeding stock from the wild population.

(x) Mariculture (paragraph 15) is assumed to include culture-based fisheries and is defined here to be aquaculture in marine or brackish water. According to the Food and Agriculture Organization of the United Nations, "aquaculture is the farming of aquatic organisms including fish, molluscs, crustaceans and aquatic plants. Farming implies some form of intervention in the rearing process to enhance production, such as regular stocking, feeding, protection from predators, etc. Farming also implies individual or corporate ownership of the stock being cultivated". Although the Food and Agriculture Organization of the United Nations requires "ownership of the stock being cultivated" in its definition, no such restriction is adopted here for the purpose of this document.

(xi) Some Parties thought paragraph 15(I)(e) would be better expressed as "because of the difficulties of complete containment, introduction of alien species, products of selective breeding, and living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of marine and coastal biodiversity should be responsibly conducted using the precautionary approach. Therefore, adherence to international codes of practice such as the Food and Agriculture Organization of the United Nations Code of Conduct for Responsible Fisheries, the International Commission for the Exploration of the Sea, and the Organisation Internationale

Epizootique should be a minimum requirement. Assessments and an appropriate monitoring programme should be put in place if introduction goes ahead. Preference should be given to the use of local species. Furthermore, development of technology to ensure a more complete containment should be encouraged."

Annex II to decision II/10

DRAFT PROGRAMME FOR FURTHER WORK ON MARINE AND COASTAL BIOLOGICAL DIVERSITY

1. The Executive Secretary will use as the basis of work recommendation I/8 of the Subsidiary Body on Scientific, Technical and Technological Advice (contained in document UNEP/CBD/COP/2/5), this decision and further inputs, if any, from the Conference of the Parties.

2. The Executive Secretary should use the roster of experts on Marine and Coastal Biodiversity to address the following topics:

(a) Identify options for a pragmatic but comprehensive approach in addressing marine and coastal biological diversity on the basis of an ecosystems approach, including its components at the levels of species and genetic resources, distinguishing regions at relevant scales. Use the results from this activity in identifying the gaps in knowledge of the distribution and abundance of marine and coastal biodiversity;

(b) Identify the particular needs for conservation and sustainable use of marine and coastal biological diversity in the context of activities which will impact on marine resources;

(c) Review the mandates and activities under international agreements that affect marine and coastal biological diversity, and develop analyses that can be offered by the Conference of the Parties to the relevant institutions as to the implications of the Convention on Biological Diversity for these activities.

3. In addressing these issues, the following approaches should be applied:

(a) The work should not be impeded by the lack of full scientific information and will incorporate explicitly the precautionary approach in addressing conservation and sustainable use issues;

(b) The Executive Secretary may interact with a wide range of agencies and organizations competent in the aspects of marine and coastal biodiversity under deliberation to avoid unnecessary duplication and ensure effectiveness and cost-effectiveness;

(c) Recommendations should be made for scientific, technical and technological needs for capacity-building and technology transfer for the conservation and sustainable use of marine and coastal resources at the national, regional, and international levels in the context of the issue being addressed;

(d) The scientific, technical, and technological knowledge of local and indigenous communities should be incorporated, as appropriate, as well as community and user-based approaches, in the conservation and sustainable use of marine and coastal biodiversity;

(e) Use should be made, as appropriate, of the clearing-house mechanism and national reports of Parties.

4. The Executive Secretary shall produce, among other relevant documents, the following outputs:

(a) Options for the conservation and sustainable use of biological diversity and its components in the implementation of marine and coastal management and planning practices, including options for the development of integrated marine and coastal area management at regional and national levels;

(b) Annual reports to the Subsidiary Body on Scientific, Technical and Technological Advice, submitted 90 days prior to each meeting of that body. The first annual report will include a three-year work plan.

Decision II/11: ACCESS TO GENETIC RESOURCES

The Conference of the Parties

Recalling that the charge from its second meeting is to prepare for agenda item 6.6.1 of the programme of work for its third meeting where the Secretariat is asked to compile the views of Parties on possible options for developing national legislative, administrative or policy measures, as appropriate to implement Article 15;

Noting that regional efforts, based in part on the similarity of the genetic resources found in the region, are important to common strategies and therefore should be encouraged;

1. *Requests* the Executive Secretary to:

(a) Further elaborate the survey of measures taken by Governments to implement Article 15, including any national interpretations of key terms used in that article, with a view to completing the survey in time for circulation at the third meeting of the Conference of the Parties;

(b) Compile an annotated list of studies and other relevant information on the social and economic valuation of genetic resources, including the demand by industry for genetic resources;

2. *Reaffirms* that human genetic resources are not included within the framework of the Convention;

3. *Urges* Governments to send information on national measures to the Secretariat at their earliest convenience;

4. *Recommends* that the Secretariat not duplicate work underway in other forums.

Decision II/12: INTELLECTUAL PROPERTY RIGHTS

The Conference of the Parties

Requests the Executive Secretary to:

(a) Liaise with the Secretariat of the World Trade Organization to inform it of the goals and the ongoing work of the Convention on Biological Diversity and to invite the Secretariat of the World Trade Organization to assist in the preparation of a paper for the Conference of the Parties that identifies the synergies and relationship between the objectives of the Convention on Biological Diversity and the TRIPs Agreement. This paper could be the basis for consideration by the third meeting of the Conference of the Parties in preparing a possible input for negotiations that are taking place in the Committee on Trade and Environment of the World Trade Organization;

(b) Consult with all stakeholders, in particular the private sector and indigenous and local communities, in order to gain understanding of the needs and concerns of those groups whose participation will be required for cooperative arrangements to be meaningful and effective in achieving the Convention's objectives. These consultations may take place in the form of roundtable discussions;

(c) Undertake a preliminary study which analyses the impact of intellectual property rights systems on the conservation and sustainable use of biological diversity and the equitable sharing of benefits derived from its use in order to gain a better understanding of the implications of Article 16(5). The study may focus on: (i) exploring the relationship between intellectual property rights and the preservation and maintenance of traditional knowledge and practices of indigenous and local communities and the possible role of intellectual property rights in encouraging the equitable sharing of benefits arising from the use of such knowledge and practices; and (ii) inviting Governments and other relevant stakeholders to submit case studies that address the role of intellectual property rights in the technology transfer process, in particular the role of intellectual property rights in the transfer of biotechnology.

Decision II/13: COOPERATION WITH OTHER BIODIVERSITY-RELATED CONVENTIONS

The Conference of the Parties,

1. *Takes note* of the information note UNEP/CBD/COP/2/Inf.2 prepared by the Secretariat on cooperation with other biodiversity-related conventions;

2. *Stresses* the need to make mutually supportive the implementation of activities undertaken by the Convention on Biological Diversity and by other international and regional conventions and agreements related to biological diversity and its components, building particularly on the consultations which have already taken place with certain key conventions, as outlined in UNEP/CBD/COP/2/Inf.2;

3. *Stresses also* the need to avoid unnecessary duplication of activities and costs on the part of Parties and of the organs of the Convention;

4. *Requests* the Executive Secretary to coordinate with the Secretariats of relevant biodiversity-related conventions with a view to:

(a) Facilitating exchange of information and experience;

(b) Exploring the possibility of recommending procedures for harmonizing, to the extent desirable and practicable, the reporting requirements of Parties under those instruments and conventions;

(c) Exploring the possibility of coordinating their respective programmes of work;

(d) Consulting on how such conventions and other international legal instruments can contribute to the implementation of the provisions of the Convention on Biological Diversity;

5. *Invites* also the governing bodies of such conventions and other international legal instruments related to biological diversity to consider at their next meetings their possible contribution to the implementation of the goals and objectives of the Convention;

6. *Further requests* the Executive Secretary to prepare, for its third meeting, a report on the implementation of this decision, containing concrete recommendations aimed at promoting and strengthening institutional cooperation with other global and regional biodiversity-related conventions;

7. *Requests* the Executive Secretary also to report to the Conference of the Parties at its third meeting on modalities for enhanced cooperation with relevant international biodiversity-related bodies such as the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the Commission on Sustainable Development, taking into account the medium-term programme of work on this issue.

Decision II/14: CONVENING OF AN OPEN-ENDED INTERGOVERNMENTAL WORKSHOP ON COOPERATION BETWEEN THE CONVENTION ON BIOLOGICAL DIVERSITY AND OTHER INTERNATIONAL CONVENTIONS ON RELATED ISSUES

The Conference of the Parties,

Having examined Point 8.2 of UNEP/CBD/COP/2/1, related to the cooperation between the Convention on Biological Diversity and other related international conventions on related issues,

Noting that an identification and harmonization of the points in common within these conventions on biological diversity issues would help the Parties, especially the developing countries, to come up with an appropriate and integrated national legislation on biodiversity matters,

Noting also that cooperation among international conventions would help the Parties to exchange information through the clearing-house mechanism in the context of sharing of scientific and technical information,

1. *Invites*, subject to the availability of funds, the United Nations Environment Programme (UNEP), in accordance with its mandate established by chapter 38 of Agenda 21, to liaise with the Commission on Sustainable Development to organize an open-ended intergovernmental workshop on the study of the relationships between the Convention on Biological Diversity and other related international conventions on related issues, taking into consideration existing studies and the expertise available in nongovernmental organizations and relevant institutions;

2. *Invites* all international organizations or donor countries to contribute financially to the organization of the workshop.

Decision II/15: FAO GLOBAL SYSTEM FOR THE CONSERVATION AND UTILIZATION OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

The Conference of the Parties,

Recognizing the special nature of agricultural biodiversity, its distinctive features and problems needing distinctive solutions,

Taking note of the Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture developed by member countries of the Food and Agriculture Organization of the United Nations (FAO) through the FAO Commission on Plant Genetic Resources, and the recommendation for strengthening it expressed in chapter 14 of Agenda 21;

Recalling that Resolution 3 of the Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity recognized "the need to seek solutions to outstanding matters concerning plant genetic resources within the Global System for the Conservation and Use of Plant Genetic Resources for Food and Sustainable Agriculture, in particular (a) access to *ex-situ* collections not acquired in accordance with this Convention; and (b) the question of farmers' rights",

1. *Considers* that the outstanding matters should be resolved as soon as possible;

2. *Declares* its support for the process engaged in the FAO Commission on Plant Genetic Resources to comply with these recommendations, especially through:

(1) The implementation of FAO Conference Resolution 7/93 for the adaptation of the International Undertaking on Plant Genetic Resources, in harmony with the Convention of Biological Diversity;

(2) Convening the Fourth International Technical Conference on Plant Genetic Resources for Food and Agriculture through which two important elements of the Global System, the first State of the World report on Plant Genetic Resources for Food and Agriculture and the first Global Plan of Action for Plant Genetic Resources for Food and Agriculture, are being developed through a country-driven process.

Decision II/16: STATEMENT TO THE INTERNATIONAL TECHNICAL CONFERENCE ON THE CONSERVATION AND UTILIZATION OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

The Conference of the Parties

1. *Requests* the Food and Agriculture Organization of the United Nations to present the outcome of the International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture to the third meeting of the Conference of the Parties and to make the Global Plan of Action and State of the World reports available to that meeting;

2. *Welcomes* the offer of the Food and Agriculture Organization of the United Nations to link its information mechanisms to the clearing-house mechanism under the Convention;

3. *Decides* to invite its President to transmit the statement contained in the annex to this decision to the International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture.

Annex to decision II/16

STATEMENT FROM THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY TO THE INTERNATIONAL TECHNICAL CONFERENCE ON THE CONSERVATION AND UTILIZATION OF PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE

1. The planet's essential goods and services depend on the variety and variability of genes, species, populations and ecosystems. If humanity is to have a future on this Earth, biological diversity must be conserved so that these functions and services are maintained. The current decline in biodiversity is largely the result of human activity and represents a serious threat to human development. Despite efforts to conserve the world's biological diversity, its depletion has continued. The entry into force of the Convention provides an international framework through which to address this depletion which causes threats to ecosystems that are vital for the sustenance of human societies in all countries. By becoming Parties to the Convention, Governments have committed themselves to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources.

2. The Convention on Biological Diversity advances the conservation of biological diversity and the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the use of genetic resources, while recognizing the important role of other conventions to the objectives of the Convention.

3. The Conference of the Parties guides the implementation of the provisions of the Convention on Biological Diversity, reviews the further development of matters relating to the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits arising from the use of genetic resources and, where appropriate, brings these within the purview of the Convention.

4. Within the overarching framework established by the Convention on Biological Diversity, it is the case that there are many international forums through which the objectives of the Convention can be

progressed. The Conference of the Parties urges all such forums to work together to achieve these objectives.

5. In this regard, the Conference of the Parties recognizes the substantial contribution that the Food and Agriculture Organization of the United Nations can make, applying its experience and skills to tackle the very important issues associated with genetic resources for food and agriculture.

6. It is important for us to recognize that there are very many Parties to the Convention that are also members of the Food and Agriculture Organization of the United Nations. This forms a strong basis of common ground from which the Convention and the Food and Agriculture Organization of the United Nations could build complementary programmes in the area of genetic resources for food and agriculture.

7. At its second meeting, held in Jakarta from 6 to 17 November 1995, the Conference of the Parties considered advice provided by its Subsidiary Body on Scientific, Technical and Technological Advice on the contribution of the Convention to the preparation for the forthcoming International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture.

8. As a result of these considerations, the Conference of the Parties to the Convention on Biological Diversity wishes to draw to the attention of the fourth International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture the following considerations:

(a) The comprehensive nature and the multidisciplinary character of the Convention on Biological Diversity, aimed at addressing all facets of biological diversity within its threefold objectives: the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of its benefits;

(b) The importance attached by the Conference of the Parties to the conservation of plant genetic resources for food and agriculture and their use in a sustainable manner;

(c) The recognition that plant genetic resources for food and agriculture are critical components of biological diversity;

(d) In recognition of the need to assess the current situation of plant genetic resources for food and agriculture and identify gaps and needs for priority action, the Conference of the Parties welcomes the preparation of the Global Plan of Action and the State of the World's Genetic Resources for Food and Agriculture;

(e) The need to strengthen capacity-building, in particular in developing countries;

(f) The relevance of the issues to be considered by the fourth International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture to the provisions of the Convention on Biological Diversity;

(g) The Conference of the Parties' support for the recognition by the Food and Agriculture Organization of the United Nations of the need to make the processes of the fourth International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture and the Convention on Biological Diversity mutually supportive and complementary, in harmony with the provisions of the Convention.

(h) The sovereign rights of States over their natural resources.

9. Recalling the recommendations of Agenda 21, chapter 14(g) and of Resolution 3 of the Nairobi Final Act, the Conference of the Parties urges the International Technical Conference to make every effort to promote complementarity and consistency between the outcome of the Conference and the provisions of the Convention, making them mutually supportive and enhancing the success of both.

10. The Conference of the Parties compliments the Secretariat of the Food and Agriculture Organization of the United Nations responsible for the programme and processes for the fourth International Technical Conference on the Conservation and Sustainable Utilization of Plant Genetic Resources for Food and Agriculture on its exemplary preparatory process based upon national reports, regional and subregional meetings leading to a global assessment of biological diversity of unique ecosystems. The process provides an innovative model.

11. The Conference of the Parties to the Convention on Biological Diversity hopes that this statement will be helpful to the International Technical Conference on the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture and plans to consider, at its third meeting, the outcome of the Conference.

Decision II/17: FORM AND INTERVALS OF NATIONAL REPORTS BY PARTIES

The Conference of the Parties,

1. *Takes note* of the note prepared by the Secretariat on form and intervals of national reports by Parties, document UNEP/CBD/COP/2/14;

2. *Endorses* recommendation I/5 on "Scientific and Technical Information to be contained in the national reports", adopted by the first meeting of the Subsidiary Body on Scientific, Technical and Technological Advice;

3. *Decides* that the first national reports by Parties will focus in so far as possible on the measures taken for the implementation of Article 6 of the Convention, "General Measures for Conservation and Sustainable Use", as well as the information available in national country studies on biological diversity, using as a guide the annex to this decision;

4. *Decides* that the first national reports will be due at the fourth meeting of the Conference of the Parties in 1997;

5. *Decides* that, at its fourth meeting in 1997, the Conference of the Parties will determine the intervals and form of subsequent national reports. This determination will be based on the experience of Parties in preparing their first national reports and taking into account the state of implementation of the Convention;

6. *Decides* that Parties shall submit their national reports in one of the working languages of the Conference of the Parties and, for the benefit of others, encourages Parties to also make available their reports electronically and, where possible, on the Internet;

7. *Decides* that national reports submitted by Parties will not be distributed as official documents of the Conference of the Parties, but will be made available to Parties, upon request, and in the language of submission;

8. *Requests* that the Subsidiary Body on Scientific, Technical and Technological Advice instruct any technical panels that it may establish on topical issues to comment on the feasibility and practicalities of developing technical guidelines for national reporting on the subject matter being considered by the panels, and report to the meeting of the Conference of the Parties in 1997;

9. *Requests* the Executive Secretary to prepare a report based on the synthesis of information contained in national reports and other relevant information and containing also suggested next steps, for consideration by the Conference of the Parties;

10. *Requests also* the Executive Secretary to make available to Parties, through the clearing-house mechanism for technical and scientific cooperation, relevant information contained in national reports submitted by Parties in accordance with Article 26 of the Convention;

11. *Urges* all Parties to submit their first national reports to the Secretariat no later than 30 June 1997 to allow consideration of this item by the Conference of the Parties at its fourth meeting;

12. *Urges* the financial mechanism under the Convention to make available financial resources to developing country Parties to assist in the preparation of their national reports;

13. *Commends* the guidance provided in the document "Guidelines for Preparation of Biodiversity Country Studies", prepared by the United Nations Environment Programme, and the document "National Biodiversity Planning: Guidelines Based on Early Country Experiences", prepared by the World Resources Institute, the United Nations Environment Programme and the World Conservation Union (IUCN), and its relevance in assisting Parties to implement Article 6 of the Convention and in the preparation of national reports.

Annex to decision II/17

SUGGESTED GUIDELINES FOR NATIONAL REPORTING ON THE IMPLEMENTATION OF ARTICLE 6

(a) **Executive summary**: a brief summary of the action plan report, stating succinctly the importance of biodiversity, the commitment to the Convention, the mandate, the participants list, the biotic wealth and national capacity, the goals and gaps, strategic recommendations and characteristics of the action (who will do what, when, where, with what means and funding).

(b) **Introduction**: describe why biodiversity is important to the country and its local communities. Explain the Convention and the nation's commitment to its provisions. Present the aim of the national biodiversity action plan and specify to whom it is directed.

(c) **Background**: describe the legal and policy framework that provides the mandate and instructions for preparing the action plan report. Provide a short summary of the nation's biotic assets, capacity (human resources, institutions, facilities, and funding) and ongoing programmes. Explain the institutional arrangements and responsibilities, with a view to informing people of the manner in which the strategic recommendations will be implemented.

(d) **Goals and objectives**: state the vision for biodiversity and its place in the society, focusing on its protection, scientific understanding, sustainable use, and on the equitable sharing of its benefits and costs. The specific targets to meet the local, national, and international goals in terms of protecting, assessing, utilizing, and benefiting from biodiversity and its components need to be determined.

(e) **Strategy**: summarize the gaps between the current situation in the country and the stated vision, goals and objectives. Summarize the strategic recommendations, including the activities, policies, and tasks that have been selected for implementation to cover the gaps. Assign relative priorities to each.

(f) **Partners**: describe the public and private entities, communities and industries that have participated in the process and have agreed to be responsible for particular activities and investments.

(g) **Action**: present the detailed activities, tasks and policies to be implemented. Explain which partner (Ministry, industry, indigenous group, NGO, or university) will implement each item, where, and what measures the partners will employ.

(h) **Schedule**: present a timetable for the implementation of the various tasks, reflecting the priorities that have been assigned. Note signposts to help signal progress or delay.

(i) **Budget**: provide the budget for the plan of action, showing funding requirements for operating expenses, capital purchases, transport, field costs, etc. List the personnel needed by category of skill or background, the facilities and services required, and possible international technical and financial cooperation.

(j) **Monitoring and evaluation**: explain the measures to be used for tracking the results of the action plan and for monitoring changes in the economy, environment and society. Give the indicators that will be used. Present the individuals and organizations who will carry these responsibilities and how they were selected. Note the audience for the reports, along with the document's content and timing of implementation.

(k) **Sharing of national experience:** present information and case studies which reflect the range of experiences of countries encountered in the implementation of Article 6, taking into account local and external factors.

Decision II/18: MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES FOR 1996-1997

The Conference of the Parties,

1. *Decides* to adopt the medium-term programme of work for the period 1996 to 1997 contained in the annex to the present decision;

2. *Also decides* to review at its next meeting the medium-term programme of work in light of the progress achieved in the implementation of the Convention;

3. *Requests* the Executive Secretary to prepare the draft provisional agenda of the third meeting of the Conference of the Parties, pursuant to rules 8 and 9 of the rules of procedure, and include therein all issues arising from its previous meetings and for which actions are required by the Conference of the Parties.

Annex to decision II/18

MEDIUM-TERM PROGRAMME OF WORK OF THE CONFERENCE OF THE PARTIES 1996-1997

1. The medium-term programme of work will be constructed on the basis of standing and rolling issues.

2. Standing items will include, *inter alia*:

2.1 Matters relating to the financial mechanism, including a report from the interim institutional structure entrusted with its operation;

2.2 Report from the Secretariat on the administration of the Convention and budget for the Secretariat;

2.3 Report from, instructions to and consideration of recommendations from the Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA);

2.4 Reports by Parties on implementation of the Convention;

2.5 Report on assessment and review of the operation of the clearing-house mechanism;

2.6 Relationship of the Convention on Biological Diversity with the Commission on Sustainable Development and biodiversity-related conventions, other international agreements, institutions and processes of relevance.

3. The other issues and derived activities necessary to implement the Convention should be dealt with on a year-by-year agenda, on the understanding that these relevant rotating issues will be developed and continually dealt with in accordance with the decisions of the Conference of the Parties by the Subsidiary Body on Scientific, Technical and Technological Advice and any eventual working groups appointed by the Conference of the Parties. The year-by-year agenda has to be flexible.

4. Treatment of the items on the programme of work should also reflect the importance of capacity-building as one of the elements of successful Convention implementation. The programme of work should always reflect a balance among the Convention's objectives, as set forth in Article 1.

5. In 1996, the third meeting of the Conference of the Parties may continue to consider pending issues of the 1995 programme of work.

6. The third meeting of the Conference of the Parties may consider, *inter alia*, the following items in 1996:

6.1 General measures for conservation and sustainable use

6.1.1 Implementation of Articles 6 and 8.

6.2 Identification, monitoring and assessment

6.2.1 To consider options for implementing Article 7;

6.2.2 Appraisal of the SBSTTA review of assessment of biological diversity for the implementation of Article 25(2)(a) and advice on methodologies for future assessments.

6.3 Conservation and sustainable use of agricultural biological diversity

6.3.1 To consider agricultural biological diversity within the context of the Convention's three objectives and its provisions;

6.3.2 To consider a report on progress under the FAO Global System for the Conservation and Utilization of Plant Genetic Resources for Food and Agriculture.

6.4 Consideration of the future programme of work for terrestrial biological diversity in the light of the outcome of deliberations of the third session of the Commission on Sustainable Development in 1995

6.5 Knowledge, innovations and practices of indigenous and local communities

6.5.1 Implementation of Article 8(j).

6.6 Access to genetic resources

6.6.1 To consider the compilation of views of Parties on possible options for developing national legislative, administrative or policy measures, as appropriate, to implement Article 15.

6.7 Issues related to technology

6.7.1 To consider ways to promote and facilitate access to and transfer and development of technology, as envisaged by Articles 16 and 18 of the Convention.

6.8 Incentive measures

6.8.1 To consider the compilation of information and experiences shared on the implementation of Article 11.

6.9 **Special session of the General Assembly to review implementation of Agenda 21**

6.9.1 To provide a report from the perspective of the Convention's three objectives.

6.10 **Issues related to biosafety**

6.10.1 To consider the first report of the ad hoc working group on biosafety.

7. In 1997, the fourth meeting of the Conference of the Parties may consider, *inter alia*, the following items:

7.1 **Review of medium-term programme of work (1995-1997)**

7.1.1 To review the operations of the Conference of the Parties and subsidiary organs;

7.1.2 To undertake an overall review and consider a longer-term programme of work.

7.2 **Models and mechanisms for linkages between *in-situ* and *ex-situ* conservation**

7.2.1 To generate options of models and linkage.

7.3 **Measures for implementing the Convention**

7.3.1 To provide information and share experiences on the implementation of Article 13;

7.3.2 To provide information and share experiences on the implementation of Article 14;

7.3.3 Consideration of biodiversity under threat.

7.4 **Consideration of matters related to benefit-sharing**

7.4.1 To consider measures to promote and advance the distribution of benefits from biotechnology in accordance with Article 19;

7.4.2 To be considered in the light of the outcome of item 6.7.1 above.

7.5 **Technical and Scientific Cooperation**

7.6 **Terrestrial biological diversity**

To assess the status and trends of the biodiversity of inland water ecosystems and identify options for conservation and sustainable use.

Decision II/19: LOCATION OF THE SECRETARIAT

The Conference of the Parties,

1. *Expresses* its sincere gratitude to the Governments of Canada, Kenya, Spain and Switzerland for their generous offers to host the permanent Secretariat of the Convention;

2. *Decides* to accept the offer of the Government of Canada, contained in document UNEP/CBD/COP/2/Rev.1, to host in Montreal the Secretariat of the Convention on Biological Diversity, established under Article 24 of the Convention;

3. *Requests* the Executive Secretary without delay to discuss and agree with the Government of Canada the practical arrangements for the transfer and hosting of the Secretariat of the Convention in Montreal;

4. *Stresses* that such a transfer should, to the maximum extent possible, minimize the negative impact on the substantive preparation by the Secretariat of the meetings to be convened in 1996 under the auspices of the Convention, and other related activities;

5. *Requests* the Executive Director of the United Nations Environment Programme to negotiate and finalize the headquarters agreement with the Government of Canada;

6. *Further requests* the Executive Secretary to report to its third meeting on the implementation of this decision.

Decision II/20: FINANCING OF AND BUDGET FOR THE CONVENTION

The Conference of the Parties,

1. *Decides* that the Trust Fund shall be extended for a period of one year, beginning 1 January 1997 and ending on 31 December 1997;

2. *Adopts* the budget for 1996, which is attached as annex I to this decision;

3. *Urges* all the Parties to pay promptly their contributions to the Trust Fund, based on the scale set forth in Appendix II to the budget (annex I);

4. *Requests* the Parties and States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations and other sources, to contribute to the Trust Fund;

5. *Directs* the Executive Secretary to prepare a report for the Conference of the Parties on the amount of contributions received under the voluntary budget and on ways in which that income has been spent;

6. *Takes note* that the indicative budget for 1997, also attached as annex I to the present decision, is based on Geneva costings;

7. *Requests* the Executive Secretary in presenting a draft 1997 budget for consideration by the third meeting of the Conference of the Parties, to also provide the indicative budget for 1997, attached as annex I to this decision, revised so as to be based on Montreal costings;

8. *Directs* the Executive Secretary to prepare an indicative budget for 1998;

9. *Directs* the Executive Secretary to consider carefully all offers of support from other organizations and to cooperate with them with a view to making the most effective use of the competencies and resources;

10. *Adopts* for 1996 the scale of contributions contained in the Appendix II to the budget (annex I), based on the United Nations scale of assessments for the apportionment of the expenses of the United Nations, adjusted to provide that no one contribution shall exceed 25 per cent of the total and that no contribution from a least developed country Party shall exceed 0.01 per cent of the total;

11. *Decides* to transfer to the third meeting of the Conference of the Parties, for further consideration, paragraph 4 of the Financial Rules contained in annex II of the present decision;

12. *Also decides* to transmit paragraph 16 of the Financial Rules to the third meeting of the Conference of the Parties for further consideration.

Annex I to decision II/20

PROPOSED BUDGET OF THE TRUST FUND FOR THE CONVENTION ON BIOLOGICAL DIVERSITY IN 1996-1997 (THOUSANDS OF US DOLLARS)

	INPUTS	1996	1997****
1.	**EXECUTIVE DIRECTION AND MANAGEMENT**		
	Executive Direction		
	Executive Secretary D-2	190	200
	Special Assistant to the Executive Secretary P-3	119	125
	Senior Secretary G-5	84	88
	Support Activities and Technical Reviews	75	79
	Fund Management and Administration		
	Fund Management/Administration Officer P-4 (UNEP/Host country)***	0	–
	Administrative Assistant G-6	105	110
	Clerk G-3	75	79
	subtotal 1	648	680
2.	**INTERGOVERNMENTAL PROCESSES AND COOPERATIVE AFFAIRS**		
	Intergovernmental processes		
	Principal Officer D-1	178	185
	Associate Administrative Officer P-2	98	101
	Research Assistant G-5	84	88
	Secretary G-4	80	84
	Support Activities and Technical Reviews	40	42
	Financial Resources and Instruments		
	Programme Officer P-4	142	149
	Support Activities and Technical Reviews	30	32
	Legal Advice and Support		
	Programme Officer P-4	142	149
	Support Activities and Technical Reviews	30	32
	Servicing the Conference of the Parties		
	Servicing COP	930	977
	subtotal 2	1'760	1'838
3.	**SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL MATTERS**		
	Office of the Principal Officer		
	Principal Officer D-1	178	185
	Programme Officer - Economist P-4	142	149
	Research Assistant G-5	84	88
	Research Assistant G-5	84	88
	Secretary G-4	80	84
	Support Activities and Technical Reviews	60	63
	Conservation Ecology		
	Programme Officer P-4	142	149

	INPUTS	1996	1997****
	Genetic Resources/Agrobiodiversity		
	Programme Officer P-4 (FAO) +	0	0
	Biotechnology		
	Programme Officer P-5	160	168
	Marine Ecology		
	Programme Officer P-4 (UNESCO) +	0	0
	*Indigenous Knowledge**		
	Programme Officer P-3	0	125
	Servicing of SBSTTA Meetings		
	Servicing of SBSTTA meeting	350	368
	Servicing SBSTTA Panel	23	24
	Servicing and communication of SBSTTA liaison group	20	21
	Servicing of Open-ended working group on Biosafety	492	517
	Servicing Panel meeting on marine and coastal areas	20	21
	subtotal 3	1'833	2'050
4.	IMPLEMENTATION AND COMMUNICATION		
	Office of the Senior Programme Officer		
	Senior Programme Officer P-5	160	168
	Research Assistant G-5	84	88
	Secretary G-4	80	84
	Support Activities and Technical Reviews	40	42
	Clearing-House Mechanism		
	Programme Officer P-4	142	149
	Data Base Operator P-2	96	101
	Equipment, supplies and material	60	63
	Training Workshops	0	0
	Reports		
	Programme Officer P-3 **	50	125
	Library and Documentation Services		
	Librarian/Documentalist P-3	119	125
	Clerk G-3	75	79
	Library acquisitions	50	53
	Communication		
	Programme Officer-Communication P-2 (UNEP)	0	0
	Promotion, awareness raising and publication	138	145
	GBO Publication	0	0
	subtotal 4	1'094	1'221

	INPUTS	1996	1997****
5.	COMMON COSTS		
	Travel of staff		
	Travel on official missions	140	147
	Travel to service meetings	70	74
	subtotal 5	210	221
6.	EQUIPMENT		
	Equipment, (office furniture, pcs, photocopy/printer)	0	0
	Supplies and material	50	53
	subtotal 6	50	53
7.	PREMISES***		
	Rent	–	–
	Security services	–	–
	Building maintenance	–	–
	Utilities (gas, electricity, cleaning, etc.)	70	–
	Insurance	5	–
	subtotal 7	75	0
8.	MISCELLANEOUS		
	Temporary assistance and overtime	98	103
	Communications (phone, fax, e-mail, etc)	170	179
	Recruitment costs/travel on interviews	30	30
	Relocation of staff and removal expenses***	–	–
	Hospitality	20	21
	Other	5	5
	subtotal 8	323	338
	subtotal 1 to 8	5'983	6'399
9.	CONTINGENCIES (2% - subtotal 1 to 8)	120	128
	subtotal 1 to 9	6'103	6'527
10.	ADMINISTRATIVE SUPPORT CHARGE (13%)	793	849
11.	LESS - CONTRIBUTIONS FROM HOST COUNTRY***	–	–
12.	TOTAL SECRETARIAT BUDGET (1 to 11)	6'896	7'376

* The Government of Australia has offered to cover the 1996 salary of Programme Officer on Indigenous Knowledge

** The post of Programme Officer - Reports may be filled towards the end of 1996

*** Amounts to be provided upon completion of host government agreement

**** Geneva costings to be revised to reflect Montreal costings as provided by paragraph 7 of the decision

\+ These positions are to be filled by secondees from FAO and UNESCO respectively as of 1 January 1996 on terms and conditions agreed to by the Executive Secretary

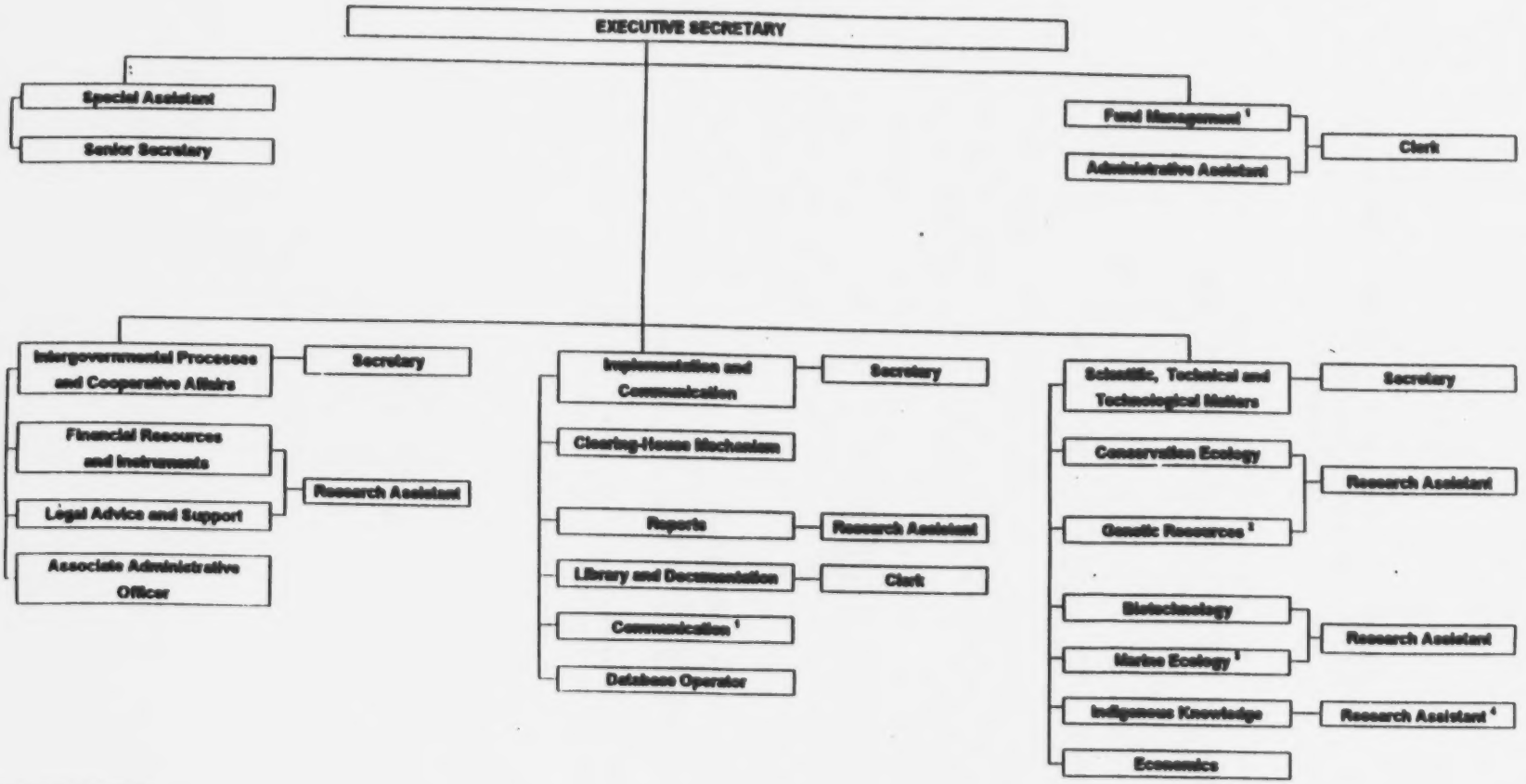
PROPOSED BUDGET FOR THE CONVENTION ON BIOLOGICAL DIVERSITY IN 1996-1997 COVERED BY ADDITIONAL VOLUNTARY CONTRIBUTIONS (THOUSANDS OF US DOLLARS)

	INPUTS	1996	1997****
1.	INTERGOVERNMENTAL PROCESSES AND COOPERATIVE AFFAIRS		
	Travel of LDCs to COP meeting	270	284
	Travel of COP Bureau	42	44
	Travel of LDCs for COP preparatory meetings	50	53
	subtotal 1	362	380
2.	SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL MATTERS		
	Travel of LDCs to SBSTTA	200	210
	Travel of SBSTTA Bureau	30	32
	Travel of SBSTTA Panel	76	79
	Travel of LDCs to Biosafety meeting	200	210
	Trave of Panel on Marine and Coastal Areas	70	74
	Research Assistant + +	84	88
	Support Activities	80	84
	subtotal 2	739	776
3.	IMPLEMENTATION AND COMMUNICATION		
	Support Activities and Technical Reviews	70	74
	Clearing-House Mechanism (5 workshops a year)	150	158
	subtotal 3	220	231
	TOTAL (1 TO 3)	1'321	1'387
4.	ADMINISTRATIVE SUPPORT CHARGE (13%)	172	180
5.	TOTAL BUDGET (1 to 4)	1'493	1'567

+ + To work under Principal Officer - Scientific, Technical and Technological matters with most of the incumbent's time spent on research on indigenous knowledge

Appendix I to Annex I to decision II/20

CONVENTION ON BIOLOGICAL DIVERSITY
ORGANIZATION CHART, 1996-97



1 Seconded by UNEP
2 Seconded by FAO
3 Seconded by UNESCO
4 To be founded through voluntary contributions

Appendix II to Annex I to decision II/20

SCALE OF 1996 CONTRIBUTIONS TO THE TRUST FUND
FOR THE CONVENTION ON BIOLOGICAL DIVERSITY

	United Nations scale of assessments 1996 *	Scale for the Trust Fund with 25% ceiling and no least developed country Party paying more than 0.01 per cent	Contributions as per 1 January 1996
	(per cent)	(per cent)	
Albania	0.0100	0.0138	949
Algeria	0.1600	0.2201	15'180
Antigua & Barbuda	0.0100	0.0138	949
Argentina	0.4800	0.6604	45'539
Armenia	0.0550	0.0757	5'218
Australia	1.4800	2.0361	140'411
Austria	0.8650	1.1900	82'065
Bahamas	0.0200	0.0275	1'897
Bangladesh	0.0100	0.0100	690
Barbados	0.0100	0.0138	949
Belarus	0.2925	0.4024	27'750
Belize	0.0100	0.0138	949
Benin	0.0100	0.0100	690
Bhutan	0.0100	0.0100	690
Bolivia	0.0100	0.0138	949
Botswana	0.0100	0.0138	949
Brazil	1.6200	2.2287	153'693
Burkina Faso	0.0100	0.0100	690
Cambodia	0.0100	0.0100	690
Cameroon	0.0100	0.0138	949
Canada	3.1025	4.2683	294'342
Cape Verde	0.0100	0.0100	690
Central African Republic	0.0100	0.0100	690
Chad	0.0100	0.0100	690
Chile	0.0800	0.1101	7'590
China	0.7350	1.0112	69'731
Colombia	0.1000	0.1376	9'487
Comoros	0.0100	0.0100	690
Cook Islands	0.0100	0.0138	949
Costa Rica	0.0100	0.0138	949
Cote d'Ivoire	0.0100	0.0138	949
Cuba	0.0525	0.0722	4'981
Czech Republic	0.2600	0.3577	24'667
Democratic People's Republic of Korea	0.0500	0.0688	4'744
Denmark	0.7175	0.9871	68'071
Djibouti	0.0100	0.0100	690
Dominica	0.0100	0.0138	949
Ecuador	0.0200	0.0275	1'897
Egypt	0.0700	0.0963	6'641
El Salvador	0.0100	0.0138	949
Equatorial Guinea	0.0100	0.0100	690
Estonia	0.0425	0.0585	4'032
Ethiopia	0.0100	0.0100	690
European Community		2.5000	172'400
Fiji	0.0100	0.0138	949
Finland	0.6175	0.8495	58'584
France	6.4075	8.8152	607'895
Gambia	0.0100	0.0100	690

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SCALE OF 1996 CONTRIBUTIONS TO THE TRUST FUND FOR THE CONVENTION ON BIOLOGICAL DIVERSITY

	United Nations scale of assessments 1996 *	Scale for the Trust Fund with 25% ceiling and no least developed country Party paying more than 0.01 per cent	Contributions as per 1 January 1996
	(per cent)	(per cent)	
Georgia	0.1175	0.1617	11'148
Germany	9.0425	12.4403	857'884
Ghana	0.0100	0.0138	949
Greece	0.3800	0.5228	36'052
Grenada	0.0100	0.0138	949
Guatemala	0.0200	0.0275	1'897
Guinea	0.0100	0.0100	690
Guinea-Bissau	0.0100	0.0100	690
Guyana	0.0100	0.0138	949
Honduras	0.0100	0.0138	949
Hungary	0.1400	0.1926	13'282
Iceland	0.0300	0.0413	2'846
India	0.3100	0.4265	29'410
Indonesia	0.1400	0.1926	13'282
Israel	0.2675	0.3680	25'378
Italy	5.1975	7.1505	493'100
Jamaica	0.0100	0.0138	949
Japan	15.4350	21.2349	1'464'357
Jordan	0.0100	0.0138	949
Kazakhstan	0.2000	0.2752	18'974
Kenya	0.0100	0.0138	949
Kiribati	0.0100	0.0100	690
Lebanon	0.0100	0.0138	949
Lesotho	0.0100	0.0100	690
Luxembourg	0.0700	0.0963	6'641
Malawi	0.0100	0.0100	690
Malaysia	0.1400	0.1926	13'282
Maldives	0.0100	0.0100	690
Mali	0.0100	0.0100	690
Marshall Islands	0.0100	0.0138	949
Mauritius	0.0100	0.0138	949
Mexico	0.7875	1.0834	74'712
Micronesia (Federated States of)	0.0100	0.0138	949
Monaco	0.0100	0.0138	949
Mongolia	0.0100	0.0138	949
Morocco	0.0300	0.0413	2'846
Mozambique	0.0100	0.0100	690
Myanmar	0.0100	0.0100	690
Nauru	0.0100	0.0138	949
Nepal	0.0100	0.0100	690
Netherlands	1.5875	2.1840	150'610
New Zealand	0.2400	0.3302	22'769
Niger	0.0100	0.0100	690
Nigeria	0.1150	0.1582	10'910
Norway	0.5600	0.7704	53'129
Oman	0.0400	0.0550	3'795
Pakistan	0.0600	0.0825	5'692
Panama	0.0100	0.0138	949

SCALE OF 1996 CONTRIBUTIONS TO THE TRUST FUND FOR THE CONVENTION ON BIOLOGICAL DIVERSITY

	United Nations scale of assessments 1996 *	Scale for the Trust Fund with 25% ceiling and no least developed country Party paying more than 0.01 per cent	Contributions as per 1 January 1996
	(per cent)	(per cent)	
Papua New Guinea	0.0100	0.0138	949
Paraguay	0.0100	0.0138	949
Peru	0.0600	0.0825	5'692
Philippines	0.0600	0.0825	5'692
Portugal	0.2750	0.3783	26'090
Republic of Korea	0.8175	1.1247	77'558
Republic of Moldova	0.0850	0.1169	8'064
Romania	0.1500	0.2064	14'231
Russian Federation	4.4500	6.1221	422'183
Saint Kitts and Nevis	0.0100	0.0138	949
Saint Lucia	0.0100	0.0138	949
Samoa	0.0100	0.0100	690
San Marino	0.0100	0.0138	949
Senegal	0.0100	0.0138	949
Seychelles	0.0100	0.0138	949
Sierra Leone	0.0100	0.0100	690
Slovakia	0.0825	0.1135	7'827
Solomon Islands	0.0100	0.0100	690
South Africa	0.3225	0.4437	30'596
Spain	2.3625	3.2502	224'136
Sri Lanka	0.0100	0.0138	949
Sudan	0.0100	0.0100	690
Swaziland	0.0100	0.0138	949
Sweden	1.2275	1.6887	116'456
Switzerland	1.2100	1.6647	114'796
Togo	0.0100	0.0100	690
Tunisia	0.0300	0.0413	2'846
Uganda	0.0100	0.0100	690
Ukraine	1.1400	1.5684	108'155
United Kingdom of Great Britain and Northern Ireland	5.3150	7.3122	504'247
Uruguay	0.0400	0.0550	3'795
Uzbekistan	0.1375	0.1892	13'045
Vanuatu	0.0100	0.0100	690
Venezuela	0.3375	0.4643	32'019
Viet Nam	0.0100	0.0138	949
Zaire	0.0100	0.0100	690
Zambia	0.0100	0.0100	690
Zimbabwe	0.0100	0.0138	949
	78.9600	100.0000	6'896'000

* United Nations Report of the Committee on Contributions, Supplement No. 11 (A/49/11)

Annex II to decision II/20

FINANCIAL RULES FOR THE ADMINISTRATION OF THE TRUST FUND FOR THE CONVENTION ON BIOLOGICAL DIVERSITY

1. The Conference of the Parties to the Convention shall designate an organization (hereinafter referred to as the Trustee) which shall establish and manage the Trust Fund for the Convention on Biological Diversity (hereinafter referred to as the Trust Fund) in accordance with these rules.

2. The Trust Fund shall be used for funding the administration of the Convention including the functions of the Secretariat.

3. The Trust Fund shall be financed from:

(a) Contributions made by Parties to the Convention based on the scale set forth in the Appendix to the budget;

(b) Additional contributions made by such Parties;

(c) Contributions from States not Parties to the Convention, as well as governmental, intergovernmental and non-governmental organizations, and other sources.

4. It is for the Conference of the Parties to determine the scale referred to in paragraph 3 (a) above. The scale is to be based on the United Nations scale of assessments for the apportionment of the expenses of the United Nations [adjusted to provide that no one contribution shall exceed 25 per cent of the total, [and] no contributions shall be required when the United Nations scale provides for a contribution of less than 0.1 per cent], [and no developing country Party shall be required to pay more than any developed country Party]. [The Conference of the Parties will develop possible methodologies for the principle of common but differentiated responsibility of developed and developing countries to be reflected in the scale of assessment.] [This scale of assessment shall apply unless amended by the Conference of the Parties.] The contributions referred to in paragraph 3 (a) shall be due on 1 January of each calendar year.

5. All contributions shall be paid in United States dollars or its equivalent in a convertible currency and into a bank account to be specified by the Trustee. In conversion of currencies into United States dollars, the United Nations operational rate of exchange shall be used.

6. Accounting records shall be kept in such currency or currencies as the Trustee deems necessary.

7. (a) Budget proposals expressed in United States dollars covering the expenditure and income from contributions referred to in paragraph 3 (a) above shall be prepared by the head of the Secretariat (hereinafter referred to as the Executive Secretary) for periods of two calendar years at the minimum. At least 90 days before the date fixed for the opening of each ordinary meeting of the Conference of the Parties, these budget proposals shall be dispatched by the Executive Secretary to all Parties to the Convention.

(b) The budget shall, in accordance with Rule 16, be approved by the Conference of the Parties and, if necessary, be revised at an ordinary or extraordinary meeting of the Parties.

8. Contributions referred to in paragraphs 3 (b) and (c) shall be used in accordance with any terms and conditions agreed between the Executive Secretary and the respective contributor. At each ordinary

meeting of the Conference of the Parties, the Executive Secretary shall present a report on contributions received and expected as well as their sources, amounts, purposes and conditions.

9. The Executive Secretary may commit resources against the Trust Fund only if such commitments are covered by contributions already received. In the event that the Trustee anticipates that there might be a shortfall in resources over the financial period as a whole, it shall notify the Executive Secretary, who shall adjust the budget so that expenditures are at all times fully covered by contributions received.

10. The Trustee, on the advice of the Executive Secretary, may make transfers from one budget line to another within the budget in accordance with the Financial Regulations and Rules of the United Nations.

11. Contributions referred to in paragraph 3 (a) above from States and regional economic integration organizations that become Parties to the Convention after the beginning of a financial period shall be made pro rata temporis for the balance of that financial period. Consequent adjustments shall be made at the end of each financial period for other Parties.

12. Contributions not immediately required for the purposes of the Trust Fund shall be invested, and any interest so earned shall be credited to the Trust Fund.

13. It is for the Conference of the Parties and the Trustee to agree on an administrative support charge to be paid to the Trustee.

14. At the end of each calendar year, the Trustee shall transfer any balance to the following calendar year and submit to the Conference of the Parties, through the Executive Secretary, the certified and audited accounts for that year as soon as practicable. The Trust Fund shall be subjected to the internal and external auditing procedure of the United Nations as laid down in its Financial Regulations and Rules of the United Nations.

15. In the event that the Conference of the Parties decides to terminate the Trust Fund, a notification to that effect shall be presented to the Trustee at least six months before the date of termination selected by the Conference of the Parties. The Conference of the Parties shall decide, in consultation with the Trustee, on the distribution on any unspent balance after all liquidation expenses have been met.

[16A. The Parties shall each agreement by consensus on:

(a) The scale and any subsequent revision to it;

(b) The budget.]

[16B. The Parties shall make every effort to reach agreement on the budget by consensus. If all efforts to reach consensus on the budget have been exhausted and no agreement has been reached, the budget shall, as a last resort, be adopted by a [two-thirds] [four-fifths] majority vote of the Parties present and voting representing a [two-thirds] [four-fifths] majority vote of the developing country Parties present and voting and a [two-thirds] [four-fifths] majority vote of the other Parties present and voting.]

17. Any amendments to these rules shall be adopted by the Conference of the Parties by consensus.

Decision II/21: VENUE AND DATE OF THE THIRD MEETING OF THE CONFERENCE OF THE PARTIES

The Conference of the Parties,

1. *Welcomes* the kind offer of the Government of Argentina to host the third meeting of the Conference of the Parties ;

2. *Decides* that the third meeting of the Conference of the Parties will take place in Buenos Aires , Argentina, from 4 to 15 November 1996, including the Ministerial-level segment on 13 and 14 November 1996 ;

3. *Decides* also that Argentina will be an *ex officio* member of the Bureau of the second meeting of the Conference of the Parties.

Decision II/22: CONVENING OF REGIONAL AND SUBREGIONAL MEETINGS FOR PARTIES TO THE CONVENTION

The Conference of the Parties,

Appreciating the assistance of the Secretariat of the Convention on Biological Diversity in convening regional and subregional meetings for the Parties to the Convention, especially developing country Parties, in preparation for the second meeting of the Conference of the Parties,

Having benefited from such regional meetings by adopting decisions on the second meeting of the Conference of the Parties' agenda items,

1. *Requests* the Secretariat of the Convention on Biological Diversity to convene regional and subregional meetings, especially for developing country Parties, to prepare for the third meeting of the Conference of the Parties;

2. *Urges* the Secretariat of the Convention to seek voluntary contributions for such meetings and to facilitate the participation of developing country Parties and, in particular, the least developed countries.

Decision II/23: TRIBUTE TO THE GOVERNMENT AND PEOPLE OF THE REPUBLIC OF INDONESIA

The Conference of the Parties,

Having met in Jakarta from 6 to 17 November 1995, at the gracious invitation of the Government of the Republic of Indonesia,

Deeply appreciative of the special courtesy and the warm hospitality extended by the Government and people of Indonesia to the Ministers, members of the delegations, observers and members of the Secretariat attending the meeting;

Expresses its sincere gratitude to the Government of the Republic of Indonesia and to its people for the cordial welcome which they accorded to the Conference of the Parties and to those associated with its work and for their contribution to the success of the second meeting of the Conference of the Parties to the Convention on Biological Diversity.